United Nations

A/HRC/RES/31/1

General Assembly

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13 April 2016

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Human Rights Council
Thirty-first session
Agenda item 2

Resolution adopted by the Human Rights Council on 23 March 2016

31/1. Composition of staff of the Office of the United Nations High Commissioner for Human Rights

The Human Rights Council,

Recalling paragraph 5 (*g*) of General Assembly resolution 60/251 of 15 March 2006, in which the Assembly decided that the Human Rights Council should assume the role and responsibilities of the Commission on Human Rights relating to the work of the Office of the United Nations High Commissioner for Human Rights, as decided by the Assembly in its resolution 48/141 of 20 December 1993,

Taking note of all relevant resolutions on this issue adopted by the General Assembly, the Commission on Human Rights and the Human Rights Council,

Bearing in mind that an imbalance in the composition of the staff could diminish the effectiveness of the work of the Office of the High Commissioner if it is perceived to be culturally biased and unrepresentative of the United Nations as a whole,

Reaffirming the importance of continuing ongoing efforts to address the imbalance regarding the regional representation of the staff of the Office of the High Commissioner, most notably in senior management positions,

Noting with concern that the dependence of the Office of the High Commissioner on extrabudgetary resources is at the heart of the imbalance in the composition of its staff,

Underlining that the paramount consideration for employing staff at every level is the need for the highest standards of efficiency, competence and integrity, taking into account Article 101, paragraph 3 of the Charter of the United Nations, and expressing its conviction that this objective is compatible with the principle of equitable geographical distribution,

Recognizing that the Fifth Committee is the appropriate Main Committee of the General Assembly entrusted with responsibilities for administrative and budgetary matters,

1. *Expresses serious concern* at the fact that the imbalance in the geographical representation in the composition of the Office of the United Nations High Commissioner for Human Rights continues to be prominent, particularly at the senior management level;

2. *Requests* the High Commissioner, within his administrative responsibilities, to redouble his efforts with a view to redress the current imbalance in the geographical composition of the staff of the Office, despite the budgetary contingency, and to establish specific and public targets and deadlines to be achieved;

3. *Also requests* the High Commissioner to work on attaining the broadest geographical diversity of his staff by strengthening the measures aimed at achieving better representation of countries and regions that are unrepresented or underrepresented, particularly from the developing world, while considering applying a cap on the representation of countries and regions already overrepresented in the Office of the High Commissioner;

4. *Further requests* the High Commissioner to implement and promote further measures to eliminate the current imbalance in the geographical composition of the staff of the Office of the High Commissioner, taking particular measures to tackle the imbalance in the number of posts not subject to geographical distribution;

5. *Welcomes* the efforts made towards the achievement of a gender balance in the composition of the staff, and the decision to continue to pay special attention to this issue;

6. *Underlines* the importance of continuing to promote geographical diversity in recruitment and promotion in the Professional category and, in particular, in senior management positions as a principle of the staffing policies of the Office of the High Commissioner;

7. *Recognizes* that efforts to achieve savings and the efficient utilization of resources should not adversely affect the full implementation of mandated programmes and activities and the measures taken for improving the geographical composition of the staff;

8. *Reaffirms* the vital importance of geographical balance in the composition of the staff of the Office of the High Commissioner, taking into account the significance of national and regional specificities and various historic, cultural and religious backgrounds and of different political, economic and legal systems to the promotion and protection of the universality of human rights;

9. *Recalls* the provisions contained in section IX, paragraph 2 of General Assembly resolution 63/250 of 24 December 2008, on human resources management, in which the Assembly requested the Secretary-General to ensure as wide a geographical distribution of staff as possible in all departments, offices and levels, including the Director level and higher levels, of the Secretariat;

10. *Underlines* the priority importance with which the General Assembly should continue to provide support and guidance to the High Commissioner in the ongoing process of improving the geographical balance in the composition of the staff of the Office of the High Commissioner;

11. *Stresses* that extrabudgetary resources, in particular when they are related to the establishment of new posts, shall be used in a manner consistent with the mandates, programmes and activities of the Organization, including the principle of equitable geographical distribution of the staff, and in compliance with the existing budgetary rules and regulations;

12. *Requests* the High Commissioner to continue to improve his interaction with Member States, including within the framework of President's statements PRST/15/2 of 1 October 2010, PRST/18/2 of 30 September 2011 and PRST/19/1 of 22 March 2012, and giving particular attention to the composition of the staff;

13. *Also requests* the High Commissioner to submit a comprehensive and updated report to the Human Rights Council at its thirty-sixth session, with a special focus on further measures taken to correct the imbalance in the geographical composition of the staff of the Office of the High Commissioner;

14. *Decides* to remain seized of the matter.

62nd meeting
23 March 2016

[Adopted by a recorded vote of 33 to 13, with 1 abstention. The voting was as follows:

In favour:

Algeria, Bangladesh, Bolivia (Plurinational State of), Botswana, Burundi, China, Congo, Côte d'Ivoire, Cuba, Ecuador, El Salvador, Ethiopia, Ghana, India, Indonesia, Kenya, Kyrgyzstan, Maldives, Mongolia, Morocco, Namibia, Nigeria, Panama, Paraguay, Philippines, Qatar, Russian Federation, Saudi Arabia, South Africa, Togo, United Arab Emirates, Venezuela (Bolivarian Republic of), Viet Nam

Against:

Albania, Belgium, France, Georgia, Germany, Latvia, Netherlands, Portugal, Republic of Korea, Slovenia, Switzerland, the former Yugoslav Republic of Macedonia, United Kingdom of Great Britain and Northern Ireland

Abstaining:

Mexico]

United Nations A/HRC/RES/31/2

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Human Rights Council
Thirty-first session
Agenda item 3

Resolution adopted by the Human Rights Council on 23 March 2016

31/2. Integrity of the judicial system

The Human Rights Council,

Guided by articles 5, 6, 7, 8, 10 and 11 of the Universal Declaration of Human Rights and articles 2, 4, 6, 7, 10, 14, 15, 16 and 26 of the International Covenant on Civil and Political Rights, and bearing in mind the Vienna Declaration and Programme of Action,

Recalling the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Convention for the Protection of All Persons from Enforced Disappearance,

Recalling also other important documents on the issue of the integrity of the judiciary endorsed by various forums of the United Nations, in particular the Basic Principles on the Independence of the Judiciary, the Basic Principles on the Role of Lawyers, the Guidelines on the Role of Prosecutors, the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, the Standard Minimum Rules for the Treatment of Prisoners, the Basic Principles for the Treatment of Prisoners, the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, the Safeguards guaranteeing protection of the rights of those facing the death penalty, and the Bangalore Principles of Judicial Conduct,

Recalling further its resolutions 19/31 of 23 March 2012 and 25/4 of 27 March 2014, and the previous relevant resolutions of the Commission on Human Rights,

Stressing that most of the provisions of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment are not territorially limited and cannot be read as restricting or limiting States' obligations to respect the rights of all persons, anywhere in the world, to be free from torture and ill-treatment,

Convinced that the integrity of the judicial system, together with its independence and impartiality, is an essential prerequisite for the protection of human rights and fundamental freedoms, for upholding the rule of law and democracy and ensuring that there is no discrimination in the administration of justice,

Noting with concern that the lack of and discrimination in access to justice can cause grave violations of the human rights of those deprived of such access,

Stressing that the integrity of the judiciary should be observed at all times,

1. *Notes* the expert consultation on human rights considerations relating to the administration of justice through military tribunals and the role of the integral judicial system in combating human rights violations, held on 24 November 2014, in accordance with Human Rights Council resolution 25/4, and the report on its outcome;[1]

2. *Takes note* of the conclusions and recommendations made by the Special Rapporteur on the independence of judges and lawyers in her report, submitted to the General Assembly at its sixty-eighth session,[2] in particular that military tribunals, when they exist, must be an integral part of the general justice system and operate in accordance with human rights standards, including by respecting the right to a fair trial and due process guarantees;

3. *Reaffirms* the right of everyone to recognition everywhere as a person before the law;

4. *Reiterates* that, as declared in article 14 of the International Covenant on Civil and Political Rights, every person is entitled, in full equality, to a fair and public hearing by a competent, independent and impartial tribunal duly established by law in the determination of his or her rights and obligations and of any criminal charge against him or her, and that he or she is entitled to the presumption of innocence until proved guilty according to law;

5. *Notes* that, according to paragraph 5 of the Basic Principles on the Independence of the Judiciary, everyone has the right to be tried by ordinary courts or tribunals using established legal procedures, and that tribunals that do not use duly established procedures of the legal process shall not be created to displace the jurisdiction belonging to the ordinary courts or judicial tribunals;

6. *Underlines* that any court trying a person charged with a criminal offence should be competent, independent and impartial;

7. *Also underlines* the importance of the full respect for the rule of law and the guarantees of due process in order to ensure that all areas of public activities fall within the reach of legal remedies;

8. *Urges* States to guarantee that all persons brought to trial before courts or tribunals under their authority have the right to be tried in their presence, to defend themselves in person or through legal assistance of their own choosing and to have all the guarantees necessary for their legal defence;

9. *Calls upon* States to ensure that the principles of equality before the courts and before the law are respected within their judicial systems by, inter alia, providing to those being tried the possibility to examine, or to have examined, the witnesses against them and to obtain the attendance and examination of witnesses on their behalf under the same conditions as witnesses against them;

10. *Urges* States concerned to close down promptly all secret detention facilities under their jurisdiction or control situated on their territories or abroad, and to ensure that all persons held in detention under their authority are provided with access to justice by ordinary courts acting in compliance with international due process and fair trial standards;

[1] A/HRC/28/32.
[2] A/68/285.

11. *Calls upon* States to investigate promptly and impartially all alleged cases of extraordinary renditions, secret detention, torture and practices tantamount to torture or other cruel, inhuman or degrading treatment, including under the pretext of countering terrorism, and to hold accountable everyone implicated, including at the highest level of authority, in ordering or executing those activities;

12. *Also calls upon* States to provide access to an effective remedy to all those who have been subject to prolonged arbitrary arrest and/or physical and mental suffering owing to lack of access to the general judicial system;

13. *Reaffirms* that every convicted person should have the right to have his or her conviction and sentence reviewed by a tribunal of competent, independent and impartial jurisdiction according to law;

14. *Calls upon* States that have military courts or special tribunals for trying criminal offenders to ensure that such bodies are an integral part of the general judicial system and that such courts apply procedures that are recognized according to international law as guarantees of a fair trial, including the right to appeal a conviction and a sentence;

15. *Stresses* the importance of developing cooperation between national judicial systems with a view to, inter alia, strengthening the protection of persons deprived of their liberty;

16. *Invites* the Special Rapporteur on the independence of judges and lawyers, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, the Working Group on Arbitrary Detention and the Working Group on Enforced or Involuntary Disappearances to take full account of the present resolution in the discharge of their mandates;

17. *Decides* to continue consideration of this issue in accordance with its annual programme of work.

62nd meeting
23 March 2016

[Adopted without a vote.]

United Nations A/HRC/RES/31/3

General Assembly

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Resolution adopted by the Human Rights Council on 23 March 2016

31/3. Protection of human rights and fundamental freedoms while countering terrorism: mandate of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism

The Human Rights Council,

Bearing in mind paragraph 6 of General Assembly resolution 60/251 of 15 March 2006,

Recalling Human Rights Council resolutions 5/1, on institution-building of the Council, and 5/2, on the Code of Conduct for Special Procedures Mandate Holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge his or her duties in accordance with these resolutions and the annexes thereto,

Recalling also Commission on Human Rights resolutions 2004/87 of 21 April 2004 and 2005/80 of 21 April 2005, General Assembly resolutions 59/191 of 20 December 2004, 60/158 of 16 December 2005 and 61/171 of 19 December 2006, and Human Rights Council resolutions 6/28 of 14 December 2007, 15/15 of 24 September 2010 and 22/8 of 21 March 2013, entitled "Protection of human rights and fundamental freedoms while countering terrorism: mandate of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism",

1. *Decides* to extend the mandate of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism for a period of three years in the same terms as provided for by the Human Rights Council in its resolution 22/8;

2. *Requests* all Governments to cooperate fully with the Special Rapporteur in the performance of the tasks and duties mandated, including by responding promptly to the Special Rapporteur's urgent appeals and providing the information requested;

3. *Calls upon* all Governments to give serious consideration to responding favourably to the requests of the Special Rapporteur to visit their countries;

Please recycle

4. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide all the necessary human, technical and financial assistance to the Special Rapporteur for the effective fulfilment of his or her mandate;

5. *Decides* to continue consideration of this question in conformity with its annual programme of work.

62nd meeting
23 March 2016

[Adopted without a vote.]

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General Assembly

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Human Rights Council
Thirty-first session
Agenda item 3

Resolution adopted by the Human Rights Council on 23 March 2016

31/4. Commemoration of the thirtieth anniversary of the Declaration on the Right to Development

The Human Rights Council,

Recalling the Charter of the United Nations and the core human rights instruments,

Reaffirming the Declaration on the Right to Development, adopted by the General Assembly in its resolution 41/128 of 4 December 1986,

Reaffirming also all Commission on Human Rights, Human Rights Council and General Assembly resolutions on the right to development, the most recent being Council resolution 30/28 of 2 October 2015,

Emphasizing that all human rights and fundamental freedoms, including the right to development, are universal, indivisible, interdependent and interrelated,

Emphasizing also the urgent need to make the right to development a reality for everyone,

Welcoming the adoption of the 2030 Agenda for Sustainable Development,[1] reaffirming that the Declaration on the Right to Development informed the 2030 Agenda, along with other relevant international instruments, and underlining the fact that the Sustainable Development Goals can be realized only through a credible, effective and universal commitment to the means of implementation by all stakeholders,

Emphasizing that the right to development should be central to the implementation of the 2030 Agenda for Sustainable Development,

Encouraging relevant bodies of the United Nations system, within their respective mandates, including United Nations funds, programmes and specialized agencies, relevant international organizations, including the World Trade Organization and relevant stakeholders, including civil society organizations, to give due consideration to the right to development in the implementation of 2030 Agenda for Sustainable Development, and to

[1] General Assembly resolution 70/1.

Please recycle

cooperate with the United Nations High Commissioner for Human Rights in the fulfilment of his mandate with regard to the implementation of the right to development,

Recognizing that Member States should cooperate with each other in ensuring development and eliminating lasting obstacles to development, that the international community should promote effective international cooperation, in particular a global partnership for development, for the realization of the right to development and the elimination of obstacles to development, and that lasting progress towards the implementation of the right to development requires effective development policies at the national level, as well as equitable economic relations and a favourable economic environment at the international level,

Stressing that, in General Assembly resolution 48/141 of 20 December 1993, the Assembly decided that the responsibility of the High Commissioner shall be, among others, to promote and protect the realization of the right to development and to enhance support from relevant bodies of the United Nations system for that purpose,

Welcoming the contribution of the universal periodic review mechanism to the realization of the right to development,

Recalling that the thirtieth anniversary of the Declaration on the Right to Development presents a unique opportunity for the international community to demonstrate and reiterate its unequivocal commitment to the right to development, recognizing the high profile it deserves, and redoubling its efforts to implement this right, and encouraging Member States to convene, individually and collectively, events with their own resources for the commemoration of the thirtieth anniversary of the Declaration on the Right to Development,

Welcoming the decision of the General Assembly to convene a one-day high-level segment of the Assembly, in the margins of the general debate of the Assembly at its seventy-first session, in order to commemorate the thirtieth anniversary of the Declaration on the Right to Development,[2]

1. *Welcomes* the thirtieth anniversary of the Declaration on the Right to Development, and stresses the importance of the mandate of the United Nations High Commissioner for Human Rights with regard to the promotion and protection of the realization of the right to development, while fully recognizing its distinct nature and intrinsic value;

2. *Acknowledges* the work of the High Commissioner for the commemoration of the thirtieth anniversary of the Declaration on the Right to Development, and notes with interest the factsheet published thereon in January 2016;[3]

3. *Decides* to convene, at its thirty-second session, a panel discussion on the promotion and protection of the right to development as part of the celebrations of the thirtieth anniversary of the Declaration on the Right to Development;

4. *Invites* the High Commissioner to liaise with States and all stakeholders, including relevant United Nations bodies, agencies, funds and programmes, treaty bodies, special procedure mandate holders, national human rights institutions and civil society, with a view to ensuring their participation in the panel discussion;

5. *Requests* the High Commissioner to prepare a summary report on the panel discussion and to submit it to the Human Rights Council at its thirty-third session, and

[2] See General Assembly resolution 70/155.

[3] Fact Sheet No. 37: *Frequently Asked Questions on the Right to Development*.

decides to bring the report to the attention of the General Assembly ahead of the high-level segment to commemorate the thirtieth anniversary of the Declaration on the Right to Development;

6. *Encourages* all Member States to engage constructively in all discussions for the full implementation of the Declaration on the Right to Development.

62nd meeting
23March 2016

[Adopted by a recorded vote of 34 to 0, with 13 abstentions. The voting was as follows:

In favour:

Algeria, Bangladesh, Bolivia (Plurinational State of), Botswana, Burundi, China, Congo, Côte d'Ivoire, Cuba, Ecuador, El Salvador, Ethiopia, Ghana, India, Indonesia, Kenya, Kyrgyzstan, Maldives, Mexico, Mongolia, Morocco, Namibia, Nigeria, Panama, Paraguay, Philippines, Qatar, Russian Federation, Saudi Arabia, South Africa, Togo, United Arab Emirates, Venezuela (Bolivarian Republic of), Viet Nam

Abstaining:

Albania, Belgium, France, Georgia, Germany, Latvia, Netherlands, Portugal, Republic of Korea, Slovenia, Switzerland, the former Yugoslav Republic of Macedonia, United Kingdom of Great Britain and Northern Ireland]

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Resolution adopted by the Human Rights Council on 23 March 2016

31/5. Question of the realization in all countries of economic, social and cultural rights

The Human Rights Council,

Guided by the principles of economic, social and cultural rights enshrined in international human rights instruments, including the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights,

Recalling that the Vienna Declaration and Programme of Action, the 2005 World Summit Outcome and General Assembly resolution 60/251 of 15 March 2006, in which the Assembly established the Human Rights Council, all affirm that all human rights are universal, indivisible, interrelated, interdependent and mutually reinforcing and must be treated in a fair and equal manner, on the same footing and with the same emphasis, and recalling also that the promotion and protection of one category of rights should never exempt States from the promotion and protection of the other rights,

Recalling also the United Nations Millennium Declaration, in which the heads of State and Government affirmed their commitment to spare no effort to promote democracy and strengthen the rule of law and respect for all internationally recognized human rights and fundamental freedoms, including the right to development,

Recalling further its resolutions on the question of the realization in all countries of economic, social and cultural rights, and the resolutions adopted by the Commission on Human Rights on the same topic,

Reaffirming the obligations and commitments to take steps, individually and through international assistance and cooperation, especially economic and technical, to the maximum of available resources with a view to achieving progressively the full realization of economic, social and cultural rights by all appropriate means, including particularly the adoption of legislative measures,

Underlining the human rights principles of, inter alia, non-discrimination, human dignity, equity, equality, universality and participation, as affirmed in international human rights law and in the Vienna Declaration and Programme of Action, and emphasizing that the rights enunciated in the International Covenant on Economic, Social and Cultural Rights are to be realized in a non-discriminatory manner,

Please recycle

Welcoming the initiatives undertaken to commemorate the fiftieth anniversary of the signing of the International Covenant on Economic, Social and Cultural Rights in 2016,

Recalling the commitment included in the International Covenant on Economic, Social and Cultural Rights to ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights set forth in the Covenant,

Recognizing that human rights and social protection floors complement each other, and that social protection floors, when used as a baseline, have the potential to facilitate the enjoyment of economic, social and cultural rights and to reduce poverty and inequality,

Welcoming the adoption of the 2030 Agenda for Sustainable Development by the General Assembly in its resolution 70/1 on 25 September 2015, in which the Assembly adopted a comprehensive, far-reaching and people-centred set of universal and transformative sustainable development goals and targets, and aiming to contribute to full implementation of the Agenda by 2030,

Welcoming also the Addis Ababa Action Agenda of the Third International Conference on Financing for Development, adopted by the General Assembly in its resolution 69/313 on 27 July 2015, which is an integral part of the 2030 Agenda for Sustainable Development, supports and complements it and helps to contextualize its means of implementation targets with concrete policies and actions, and which reaffirmed the strong political commitment to address the challenge of financing and creating an enabling environment at all levels for sustainable development in the spirit of global partnership and solidarity,

1. *Calls upon* all States to give full effect to economic, social and cultural rights by, inter alia, taking all appropriate measures to implement the Human Rights Council resolutions on the question of the realization in all countries of economic, social and cultural rights, the most recent of which is resolution 28/12 of 26 March 2015;

2. *Calls upon* all States that have not yet signed and ratified the International Covenant on Economic, Social and Cultural Rights to consider doing so as a matter of priority, and States parties to consider reviewing their reservations thereto;

3. *Welcomes* the more recent ratification of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, and encourages all States that have not yet signed and ratified the Optional Protocol to consider doing so, and also to consider making declarations under articles 10 and 11 thereof;

4. *Acknowledges* that social protection floors may facilitate the enjoyment of human rights, including the rights to social security, the highest attainable standard of physical and mental health, an adequate standard of living, including adequate food, clothing and housing, education, and safe drinking water and sanitation, in accordance with the human rights obligations of States, and in this regard underlines the importance of compliance with the principles of non-discrimination, transparency, participation and accountability;

5. *Takes note with appreciation* of the report of the Secretary-General on the question of the realization in all countries of economic, social and cultural rights, with a special focus on the methodologies used at the national level to measure the realization of economic, social and cultural rights, submitted pursuant to Human Rights Council resolution 28/12,[1] and of the conclusions contained therein;

[1] A/HRC/31/31.

6. *Recognizes* that reliable information and disaggregated data are important for the assessment of progress or regression in the realization of economic, social and cultural rights, and can help to support the development of laws, policies and programmes to help States to meet their human rights obligations;

7. *Acknowledges* the importance of assessing progress in the realization of economic, social and cultural rights, and that human rights measurement can contribute positively to the implementation by States of their obligations, including in the context of their interaction with international human rights mechanisms regarding their obligations, inter alia, with the treaty bodies and the universal periodic review;

8. *Also acknowledges* that systematic and coherent national mechanisms for assessing progress in respect of each State on the realization of economic, social and cultural rights, when fully in line with international human rights law principles and standards, can make policies, programmes and budgeting processes more efficient and help to improve State reporting on their implementation of those human rights obligations;

9. *Urges* States to consider adopting or further developing procedures for information gathering and measurement, which may, if analysed in the light of international human rights law principles and standards, serve as national indicators for State decision-making processes, and are transparent, participatory and allow for accountability;

10. *Underlines* the importance of an effective remedy for violations of economic, social and cultural rights, and in this regard takes note with appreciation of measures taken to facilitate access to complaints procedures and the domestic adjudication of cases, as appropriate, for victims of alleged human rights violations;

11. *Welcomes* the steps taken at the national level to implement economic, social and cultural rights, including the enactment of appropriate legislation and adjudication by national courts;

12. *Recognizes* that the 17 Sustainable Development Goals and 169 targets seek to, inter alia, realize the human rights of all and to achieve gender equality and the empowerment of all women and girls, and that they are integrated and indivisible and balance the three dimensions of sustainable development, namely, the economic, the social and the environmental;

13. *Notes with interest* the work carried out by the Committee on Economic, Social and Cultural Rights to assist States parties in fulfilling their obligations, including through the issuance of general comments, the consideration of periodic reports and, for States parties to the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, the examination of individual communications;

14. *Also notes with interest* the work of other relevant treaty bodies and special procedures in the promotion and protection of economic, social and cultural rights within their respective mandates;

15. *Encourages* enhanced cooperation and, as appropriate, increased coordination between the Committee on Economic, Social and Cultural Rights and United Nations bodies, specialized agencies and programmes, mechanisms of the Human Rights Council and other human rights treaty bodies whose activities have a bearing on economic, social and cultural rights in a manner that respects their distinctive mandates and promotes their policies, programmes and projects;

16. *Recognizes and encourages* the important contributions of regional organizations, national human rights institutions and civil society, including non-governmental organizations, academic and research institutions, business enterprises and

trade unions to the question of the realization and enjoyment of economic, social and cultural rights, including training and information activities;

17. *Welcomes* the activities carried out by the Office of the United Nations High Commissioner for Human Rights on the promotion of economic, social and cultural rights, mainly through technical cooperation, the work of its field offices, its relevant reports to United Nations bodies, the development of in-house expertise, including on human rights indicators, and its publications, studies, training and information activities on related issues, including through new information technologies;

18. *Requests* the Secretary-General to continue to prepare and submit to the Human Rights Council an annual report on the question of the realization in all countries of economic, social and cultural rights under agenda item 3, with a special focus on the realization of economic, social and cultural rights in the implementation of the 2030 Agenda for Sustainable Development;

19. *Decides* to remain seized of this issue and to consider taking further action in order to implement the present resolution.

62nd meeting
23 March 2016

[Adopted without a vote.]

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Resolution adopted by the Human Rights Council on 23 March 2016

31/6. The rights of persons with disabilities in situations of risk and humanitarian emergencies

The Human Rights Council,

Recalling the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto,

Noting with appreciation the Sendai Framework for Disaster Risk Reduction 2015-2030, adopted in Sendai, Japan, in March 2015,

Bearing in mind the upcoming tenth anniversary of the adoption of the Convention on the Rights of Persons with Disabilities, to be commemorated in December 2016,

Recalling the universality, indivisibility, interdependence and interrelatedness of all human rights and fundamental freedoms and the need for persons with disabilities to be guaranteed the full enjoyment of their rights and freedoms without discrimination,

Reaffirming all previous resolutions of the Human Rights Council on the rights of persons with disabilities, the most recent of which was resolution 28/4 of 26 March 2015, and welcoming the efforts of all stakeholders to implement those resolutions,

Acknowledging that international humanitarian law and international human rights law are complementary and mutually reinforcing,

Recognizing that, in situations of armed conflict, all parties to armed conflicts have obligations under international humanitarian law that may relate to the protection of persons with disabilities,

Recalling in particular that article 11 of the Convention on the Rights of Persons with Disabilities provides that States parties to the Convention shall take, in accordance with their obligations under international law, including international humanitarian law and international human rights law, all necessary measures to ensure the protection and safety of persons with disabilities in situations of risk, including situations of armed conflict, humanitarian emergencies and the occurrence of natural disasters,

* Reissued for technical reasons on 15 April 2016.

Recognizing that persons with disabilities are often disproportionately affected in situations of risk, including situations of armed conflict, humanitarian emergencies and the occurrence of natural disasters, and in their aftermath, and that they are often at increased risk of discrimination, exploitation and violence, including sexual and gender-based violence, and stressing the particular impact that armed conflict has on persons with disabilities,

Stressing the relevance of disaggregated data collection and analysis, including by disability, as applicable, as an important element in the design of inclusive policies, including those relating to situations of risk, including situations of armed conflict, humanitarian emergencies and the occurrence of natural disasters,

Recognizing that persons with disabilities require specific protection and safety measures, including in situations of risk, including situations of armed conflict, humanitarian emergencies and the occurrence of natural disasters, and recognizing the need to support further participation and inclusion of persons with disabilities in the development of and decision-making processes relating to such measures,

Underlining that persons with disabilities and their organizations are critical in the assessment of disaster risk and in designing and implementing plans tailored to specific requirements, taking into consideration, inter alia, the principles of universal design,

Recognizing that the needs of persons with disabilities are often overlooked in the early phases of situations of risk, including situations of armed conflict, humanitarian emergencies and the occurrence of natural disasters, and the importance of providing timely and appropriate reintegration and rehabilitation assistance to persons with disabilities, while ensuring that their specific needs are addressed, in particular the needs of women and children with disabilities, such as access to health care, including sexual and reproductive health-care services, psychosocial support and educational programmes,

Recognizing also that participation, accountability, non-discrimination and empowerment are fundamental principles of a human rights-based approach to disability, and noting article 3 of the Convention on the Rights of Persons with Disabilities in this regard,

Noting the role that innovative means of communication and technology can play with regard to improving accessibility and helping to ensure that no constituency among persons with disabilities is excluded throughout the different stages of emergency response, including preparedness, response, recovery and reconstruction,

Deeply concerned that girls and women with disabilities are often subject to multiple, aggravated or intersecting forms of discrimination and disadvantage,

Deeply concerned also about the particular risk of segregation, abuse and violence, including sexual and gender-based violence against persons with disabilities of all ages, especially in situations of risk, including situations of armed conflict, humanitarian emergencies and the occurrence of natural disasters,

Welcoming the report of the Special Rapporteur on the rights of persons with disabilities on the participation of persons with disabilities in political and public life and in public decision-making,[1]

Noting with appreciation the work undertaken in support of the Convention, including the work of the Conference of States Parties to the Convention on the Rights of Persons with Disabilities, the report of the Secretary-General on the status of the Convention and the

[1] A/HRC/31/62.

Optional Protocol thereto,[2] and the work of the Committee on the Rights of Persons with Disabilities, the Special Rapporteur, the Special Envoy of the Secretary-General on Disability and Accessibility, the Inter-Agency Support Group on the Convention on the Rights of Persons with Disabilities and the International Red Cross and Red Crescent Movement,

Noting the preparations for the Social Forum of the Human Rights Council, which will be held from 3 to 5 October 2016 in Geneva and will focus on the promotion and full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities in the context of the tenth anniversary of the adoption of the Convention on the Rights of Persons with Disabilities,

1. *Welcomes* the fact that, to date, 160 States have signed and 161 States and one regional integration organization have ratified or acceded to the Convention on the Rights of Persons with Disabilities, and that 92 States have signed and 88 States have ratified or acceded to the Optional Protocol to the Convention, and calls upon those States and regional integration organizations that have not yet ratified or acceded to the Convention and the Optional Protocol to consider doing so as a matter of priority;

2. *Encourages* States that have ratified the Convention and have submitted one or more reservations to it to initiate a process to review regularly the effect and continued relevance of such reservations, and to consider the possibility of withdrawing them;

3. *Welcomes* the thematic study on the rights of persons with disabilities under article 11 of the Convention, on situations of risk and humanitarian emergencies, prepared by the Office of the United Nations High Commissioner for Human Rights,[3] and calls upon States and all relevant stakeholders to consider its findings and recommendations with a view to implementing these recommendations as appropriate;

4. *Calls upon* States that are not yet party to the Convention, in accordance with their obligations under international law, including international humanitarian law and human rights law, to take all measures necessary to ensure the protection and safety of persons with disabilities in situations of risk, including situations of armed conflict, humanitarian emergencies and the occurrence of natural disasters;

5. *Calls upon* States and all relevant stakeholders to take effective and appropriate steps to facilitate the protection and safety of persons with disabilities in situations of risk, including situations of armed conflict, humanitarian emergencies and the occurrence of natural disasters, having regard for the measures contemplated by the Convention, and urges States and all relevant stakeholders, in furtherance of this objective, to, inter alia:

(*a*) Promote active participation of and meaningful consultation with persons with disabilities and their representative organizations, including women, men, boys and girls with disabilities of all ages, at all levels in a manner consistent with article 4 (3) of the Convention;

(*b*) Take into account persons with disabilities in their planning, response and recovery actions in situations of risk, including situations of armed conflict, humanitarian emergencies and the occurrence of natural disasters, to identify and eliminate obstacles and barriers to ensuring their safety;

[2] A/69/284.
[3] A/HRC/31/30.

(*c*) Ensure the effective management and dissemination of accessible information at all stages of response;

(*d*) Mobilize adequate, timely and predictable resources to operationalize their commitment to emergency preparedness and response that are inclusive of and accessible to persons with disabilities, following a human rights-based approach to programming;

(*e*) Build the capacity of stakeholders, both military and civilian, and peacekeeping personnel operating in situations of risk, including situations of armed conflict, humanitarian emergencies and the occurrence of natural disasters, regarding the rights of persons with disabilities;

(*f*) Ensure accessibility, including through universal design in programming, and in all post-emergency reconstruction and rebuilding, particularly during planning and reconstruction of infrastructure and public facilities;

(*g*) Promote the inclusion of persons with disabilities in existing United Nations frameworks that address situations of risk, including situations of armed conflict, humanitarian emergencies and the occurrence of natural disasters;

(*h*) Consider developing internationally agreed standards and guidelines on the inclusion of persons with disabilities in humanitarian action;

(*i*) Ensure the meaningful participation of persons with disabilities in processes of monitoring and evaluation of humanitarian assistance, and ensure that they have adequate access to feedback mechanisms during situations of risk, including situations of armed conflict, humanitarian emergencies and the occurrence of natural disasters;

(*j*) Strengthen the collection, management, disaggregation and analysis of information on persons with disabilities in order to foster inclusion and to address discrimination on the basis of disability, including multiple and intersectional forms of discrimination;

(*k*) Encourage national statistical institutions and other participants in the negotiations held by the United Nations Office for Disaster Risk Reduction on disaster risk reduction indicators and terminology to consider adopting indicators disaggregated by disability status, where relevant, and to ensure that terminology is inclusive of persons with disabilities;

(*l*) Raise awareness of the importance of ensuring the protection and safety of persons with disabilities in situations of risk, including situations of armed conflict, humanitarian emergencies and the occurrence of natural disasters;

6. *Encourages* States to take a human rights-based approach, with due regard for article 11 of the Convention on the Rights of Persons with Disabilities, to the protection and safety of persons with disabilities in situations of risk, including situations of armed conflict, humanitarian emergencies and the occurrence of natural disasters;

7. *Urges* all parties to armed conflicts to comply with their obligations under international humanitarian law, including their obligations under the Geneva Conventions of 1949 and the obligations applicable to them under the Additional Protocols thereto of 1977, that may relate to the respect and protection of persons with disabilities, and to pay attention to the specific needs of persons with disabilities during armed conflicts;

8. *Urges* States to take all appropriate measures to eliminate discrimination against women and girls with disabilities in situations of risk, including situations of armed conflict, humanitarian emergencies and the occurrence of natural disasters, to promote gender equality and women's empowerment, to address violence against women and girls

with disabilities in order to ensure the equal enjoyment of their rights, and to facilitate their role as leaders and active involvement and meaningful participation in decision-making;

9. *Recognizes* the importance of international cooperation and its promotion in support of national efforts to promote the rights of persons with disabilities, including with respect to ensuring the protection and safety of persons with disabilities in situations of risk and humanitarian emergencies;

10. *Encourages* States to engage in international cooperation efforts, where required, aimed at enhancing their national capacities to ensure the protection and safety of persons with disabilities in situations of risk, including situations of armed conflict, humanitarian emergencies and the occurrence of natural disasters, and invites the Office of the High Commissioner and relevant United Nations agencies to consider ways to foster international cooperation activities in this regard;

11. *Encourages* the mobilization of public and private resources on a sustainable basis to mainstream the rights of persons with disabilities in development and underlines the need to promote and strengthen international cooperation at all levels, including with regard to capacity-building, by facilitating access to and sharing of accessible and assistive technology and through the transfer of technologies, as appropriate, the exchange of good practices and partnerships for development that are inclusive of persons with disabilities;

12. *Calls upon* States and all relevant stakeholders to ensure that all international cooperation, including international development programmes, is inclusive of and accessible to persons with disabilities and does not contribute to creating new barriers for them or reinforce existing inequalities;

13. *Emphasizes* the importance of mainstreaming the rights of persons with disabilities as an integral part of relevant sustainable development strategies, and encourages States to apply a human rights-based approach and to intensify efforts to advance the rights of persons with disabilities in the implementation of the 2030 Agenda for Sustainable Development, consistent with their international obligations, including by engaging in close consultations with and actively involving persons with disabilities in the reporting processes leading up to the high-level political forum;

14. *Urges* States to continue to support the inclusion of persons with disabilities in the implementation of the 2030 Agenda for Sustainable Development by, inter alia, supporting the disaggregation of data by disability for specific indicators, where relevant, to assist States in measuring the achievement of the 17 Sustainable Development Goals and 169 associated targets and programming policies related to the Goals;

15. *Encourages* States to take into account the Convention on the Rights of Persons with Disabilities during the ongoing preparations for and their participation in the World Humanitarian Summit, to be held in Istanbul, Turkey, on 23 and 24 May 2016;

16. *Decides* that its next annual interactive debate on the rights of persons with disabilities will be held at its thirty-fourth session, and that the debate will focus on article 5 of the Convention on the Rights of Persons with Disabilities regarding equality and non-discrimination, and will have international sign interpretation and captioning;

17. *Also decides* that an interactive debate on the rights of persons with disabilities will be held at its thirty-seventh session, and that the debate will focus on article 13 of the Convention on the Rights of Persons with Disabilities regarding access to justice, and will have international sign interpretation and captioning;

18. *Requests* the Office of the High Commissioner to prepare its next annual study on the rights of persons with disabilities with a focus on article 5 of the Convention, and to prepare its subsequent study with a focus on article 13 of the Convention, in

consultation with States and other relevant stakeholders, regional organizations, the Special Rapporteur on the rights of persons with disabilities, civil society organizations, including organizations of persons with disabilities, and national human rights institutions, requiring contributions to be submitted in an accessible format, and requests that such stakeholder contributions, and the study and an easy-to-read-version of it, be made available on the website of the Office, in an accessible format, prior to the thirty-fourth and thirty-seventh sessions of the Human Rights Council;

19. *Encourages* the task force of the Human Rights Council on secretariat services and accessibility for persons with disabilities to report orally to the Council on its work;

20. *Urges* States to consider further integrating and mainstreaming the perspective and rights of persons with disabilities into the work of the Human Rights Council;

21. *Encourages* representative organizations of persons with disabilities, civil society, national monitoring bodies and human rights institutions to participate actively in the debates referred to in paragraphs 16 and 17 above, as well as in regular and special sessions of the Human Rights Council and its working groups;

22. *Requests* the Secretary-General, the High Commissioner and United Nations entities to continue the progressive implementation of standards and guidelines for the accessibility of facilities and services of the United Nations system, also taking into account relevant provisions of the Convention on the Rights of Persons with Disabilities, and underlines that the Human Rights Council, including its Internet resources, should be fully accessible to persons with disabilities;

23. *Requests* the Secretary-General to continue to ensure that the work of the Office of the High Commissioner with respect to the rights of persons with disabilities and the Committee on the Rights of Persons with Disabilities are adequately resourced for the fulfilment of their tasks;

24. *Decides* to remain seized of the matter.

62nd meeting
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[Adopted without a vote.]

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Resolution adopted by the Human Rights Council on 23 March 2016

31/7. Rights of the child: information and communications technologies and child sexual exploitation

The Human Rights Council,

Emphasizing that the Convention on the Rights of the Child constitutes the standard in the promotion and protection of the rights of the child, bearing in mind the importance of the Optional Protocols to the Convention, and calling for their universal ratification and effective implementation, and that of other relevant human rights instruments,

Recalling all previous resolutions on the rights of the child of the Commission on Human Rights, the Human Rights Council and the General Assembly, the most recent being Council resolution 28/19 of 27 March 2015 and Assembly resolution 70/137 of 17 December 2015,

Welcoming the work of the Committee on the Rights of the Child on the issue of information and communications technologies and child sexual exploitation, including in the context of its general comments, in particular general comments No. 13 (2011) on the right of the child to freedom from all forms of violence and No. 16 (2013) on State obligations regarding the impact of the business sector on children's rights,

Welcoming also the work of the Special Rapporteur on the sale of children, child prostitution and child pornography and of the Special Representative of the Secretary-General on Violence against Children on opportunities and risks associated with the use of information and communications technologies and children's protection from sexual abuse and exploitation,[1] and the work of the Special Representative of the Secretary-General on Children and Armed Conflict, and taking note with appreciation of their recent reports,[2]

Welcoming further the adoption by the General Assembly of the 2030 Agenda for Sustainable Development,[3] underscoring the importance of its implementation in ensuring

[1] A/HRC/28/56 and A/HRC/28/55.
[2] A/HRC/31/19, A/HRC/31/20 and A/HRC/31/58.
[3] General Assembly resolution 70/1.

the enjoyment of the rights of the child, and recalling that it includes target 5.2, on eliminating all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation, and target 16.2, on ending abuse, exploitation, trafficking and all forms of violence against and torture of children,

Recognizing the importance of information and communications technologies in children's lives as a new tool for learning, socialization, expression, inclusion and fulfilment of the rights of the child and fundamental freedoms, such as the right to education, the right to freedom of expression, the freedom to seek, receive and impart information, and the right to express his or her views freely,

Reaffirming the responsibilities, rights and duties of parents, legal guardians or other persons legally responsible for the child to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of his or her rights,

Recognizing that children are among the most active participants online, and that parents, guardians and educators who have responsibility for children's activities may need guidance on protecting children online,

Reaffirming that States shall undertake to protect the child from all forms of exploitation and sexual abuse and, for that purpose, in particular, take all appropriate national, bilateral and multilateral measures to prevent the inducement or coercion of a child to engage in any unlawful sexual activity, the exploitative use of children in prostitution or other unlawful sexual practices and the exploitative use of children in pornographic performances and materials,

Recognizing that information and communications technologies can facilitate the commission of criminal activities with impunity regarding the sale, sexual abuse and exploitation of children, including in pornography, child sexual abuse material and prostitution; new threats or forms of sexual abuse and exploitation, such as the solicitation of children for sexual purposes known as "child grooming", sexual extortion and live streaming of child abuse; the possession, distribution, access to, exchange, production of or payment for child sexual abuse material; and the viewing, conducting or facilitation of children's participation in live sexual abuses, among others,

Deeply concerned by risks such as sexting and self-generated content, by new and evolving forms of violence against children, particularly child sexual abuse and exploitation, and by cyberbullying, which are related to the use of information and communications technologies,

Acknowledging the role that information and communications technologies play in reducing the risk of sexual abuse and exploitation, including by empowering children to report such abuses,

Recognizing that States should promote access to digital media and information and communications technologies while protecting children from harm,

Emphasizing that States have the primary responsibility to respect, protect and fulfil the rights of the child, including through the prevention of violations and the protection and provision of effective remedies to victims, and to address all forms of violence and abuse against children, including sexual abuse and exploitation, at all times and in all settings,

Underlining that child sexual abuse and exploitation through information and communications technologies, including online, involving the production, sale, dissemination or possession of child sexual abuse and exploitation material, including child pornography, constitutes a serious abuse or violation of the child's physical and

psychological integrity and human dignity and an unlawful use of the child victim's personal data and that it can have a negative impact on the enjoyment of the right of the child to the protection of the law against arbitrary or unlawful interference with his or her privacy,

Reaffirming that the child, for the full and harmonious development of his or her personality, should grow up in a family environment, while the best interests of the child shall be the guiding principle of those responsible for his or her nurture and protection, and that families' and caregivers' capacities to provide the child with care and a safe environment should be promoted,

Recognizing that perpetrators of child sexual abuse and exploitation online are sometimes the direct caregivers of the child, and that family members, communities and neighbours might be involved in the offering of children for the purpose of sexual abuse and exploitation through information and communications technologies,

Recalling in this regard that States should take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment, sexual abuse and exploitation while in the care of their parents, legal guardians or any other person who cares for the child,

Recognizing that the responsibility to respect the rights of the child also applies to private actors and business enterprises and, in particular, that private actors in the Internet industry who provide or operate services across domestic jurisdictions should continue to take part in joint international efforts to raise awareness and empower children about online risks and to prevent and counter child sexual abuse and exploitation online and offline,

Acknowledging efforts made by private actors, in the framework of corporate social responsibility, to ensure that their infrastructure and services are not used for criminal purposes and to cooperate fully in efforts related to the detection, reporting, investigation, prosecution and prevention of child sexual abuse and exploitation online and offline,

Recognizing the importance of prevention in ensuring a safe online and information and communications technologies environment for children while protecting the child's rights to the protection of the law against arbitrary or unlawful interference with his or her privacy, to seek, receive or impart information, to education, to freedom of expression and to participation, and recognizing also that prevention measures and approaches should involve key actors, including Governments, civil society, industry, parents, schools, children and the whole community,

Expressing concern in relation to the situations when private actors abstain from taking actions required under national and international law to provide adequate safeguards aimed at preventing child sexual abuse and exploitation, and stressing in this regard the utmost importance of bringing to justice all those involved in or facilitating child sexual exploitation and abuse online,

Recognizing the multi-jurisdictional and transnational nature of child sexual exploitation and abuse online and through information and communications technologies, the fragility of the electronic evidence of such crimes and the continual adaptation of technology by perpetrators to avoid detection and investigation, which pose various difficulties for traditional mutual legal assistance and cooperation channels and require active international cooperation among different actors, including States and their law enforcement and judicial authorities and private actors, including with regard to detecting crimes, reporting them to competent authorities for investigation, safeguarding electronic evidence of crimes and handing it over to those authorities in a timely manner,

Welcoming the renewed momentum in the global fight against child sexual abuse and exploitation created by relevant international multi-stakeholder initiatives promoted in partnership with Governments, including law enforcement and judicial authorities, private actors and business enterprises and civil society, such as the Global Programme on Cybercrime of the United Nations Office on Drugs and Crime, the Child Online Protection Initiative of the International Telecommunication Union, the Global Alliance against Child Sexual Abuse Online, WeProtect and the Virtual Global Taskforce, and the high-level meeting of the General Assembly on the overall review of the implementation of the outcomes of the World Summit on the Information Society, and encouraging greater coordination among those initiatives and the dissemination of information concerning their activities,

Acknowledging international, regional and local relevant initiatives taken and efforts made to prevent and address the threat of child sexual exploitation and abuse online and the drastic consequences associated with it on children's full enjoyment of human rights, and commending the role of the International Telecommunication Union and its working group on online child protection in combating the sexual abuse and exploitation of children online,

1. *Takes note with appreciation* of the report of the United Nations High Commissioner for Human Rights entitled "Information and communications technology and child sexual exploitation";[4]

2. *Urges* States to take all steps necessary to ensure full, equal, inclusive and safe access, without discrimination of any kind, to information and communications technologies by all children and safeguard the protection of children online and offline through an integrated and multifaceted approach based on the rights and well-being of children;

3. *Condemns in the strongest possible terms* all forms of violence against children, including sexual and gender-based violence, including when perpetrated through or resulting from the criminal misuse of information and communications technologies made available on the Internet, and sexual exploitation of children online;

4. *Calls upon* States to ensure the legal protection of children from sexual abuse and exploitation online and to define legally, in accordance with international human rights law and obligations, and criminalize all relevant conduct related to the sexual exploitation of children online and offline, including but not limited to its newest forms, such as the solicitation of children for sexual purposes known as "child grooming", sexual extortion, and streaming of child abuse, and possession or distribution of, access to, or exchange or production of or payment for child sexual abuse material and the viewing, conducting or facilitation of children's participation in live sexual abuses transmitted through information and communications technologies, while ensuring that their legislation takes into account possible future developments in the modi operandi for online child sexual abuse and exploitation;

5. *Also calls upon* States to ensure that the whole chain of those involved or attempting to commit such criminal activities are held accountable and brought to justice in order to fight impunity, taking into account the multi-jurisdictional and transnational nature of child sexual exploitation and abuse online through information and communications technologies;

[4] A/HRC/31/34 and Corr.1.

6. *Further calls upon* States to ensure that domestic legislation on data protection and privacy is in accordance with international human rights law and allows law enforcement, social welfare and judicial authorities to conduct effective and appropriate investigations and prosecutions to combat violations of the child victim's right to privacy, according to which no one shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, and the right to the protection of the law against such interference, as set out in article 12 of the Universal Declaration of Human Rights and article 17 of the International Covenant on Civil and Political Rights, in respect of child sexual exploitation online and offline, and to raise awareness of the importance of activities and compliance with the law by private actors, notably those in the Internet industry, to strengthen those efforts;

7. *Calls upon* States, through increased cooperation among relevant State agencies, to remove obstacles to effective investigations of and prosecutions for child sexual abuse and exploitation online and offline by facilitating access by the competent law enforcement and judicial authorities to evidence of crimes committed across borders, including witness testimony and electronic information stored by Internet service providers and online platforms, and stresses that private actors should comply with the law enforcement measures taken in that respect;

8. *Also calls upon* States to ensure a clear and predictable legal and regulatory environment, which requires information and communications technology and other relevant industries to respect the rights of the child and which strengthens regulatory agencies' responsibility for the development of standards for the protection of the rights of the child;

9. *Further calls upon* States to establish fast and effective procedures for the removal or blocking of child sexual abuse or pornographic materials involving children, including by adopting legislation and promoting self-regulatory frameworks for businesses, in accordance with national and international human rights laws and obligations, to aid the detection of crimes online, to report evidence thereof and to prevent the dissemination of child abuse material involving children, "child grooming" and other forms of child sexual abuse and exploitation online;

10. *Urges* States to strengthen international and regional cooperation among their law enforcement services, including through, inter alia, appropriate mutual legal assistance frameworks in criminal matters, and with the International Criminal Police Organization, and to ensure effective implementation of relevant international standards and the enforcement of the applicable legal framework on issues related to child sexual abuse and exploitation online and offline;

11. *Calls upon* States to promote international financial and technical cooperation in this area, to exchange best practices, investigation procedures, training and capacity-building in order to prevent, eradicate and mitigate child sexual abuse and exploitation online, and to promote the physical and psychological recovery and social reintegration of victims;

12. *Urges* States to establish well-trained and well-resourced dedicated law enforcement investigative units in charge of investigating, pursuing and combating sexual and gender-based violence against children committed using information and communications technologies and child sexual exploitation online, or to strengthen such units if they already exist, and to provide them with adequate financial support and capacity-building and specialist training opportunities;

13. *Calls upon* States to develop a comprehensive, safe, inclusive and empowering approach to children's online protection that is in line with the Convention on the Rights of the Child, ensuring that the principles enshrined in the Convention, including

non-discrimination, the best interests of the child, survival and development and children's right to express their views in matters affecting them, are meaningfully implemented;

14. *Urges* States to provide for effective remedies, recovery and reintegration, including through integrated child- and gender-sensitive and child-friendly complaints and reporting mechanisms, services and programmes for child victims of sexual abuse and exploitation, to mitigate the harm caused to them, and to prevent secondary victimization while ensuring the right of the child to be heard, including in any administrative or judicial proceeding affecting him or her, in a manner consistent with the procedural rules of national law;

15. *Encourages* States to develop and strengthen the collection, analysis and dissemination of data, as appropriate, on online and offline sexual abuse and exploitation, disaggregated by, inter alia, age, sex, family income and other relevant factors, as an integral part of States' efforts to prevent and respond to this abuse;

16. *Calls upon* States to adopt and enable all necessary administrative and legal measures to guarantee the rights to privacy, provide protection, safety and adequate information for all children involved in ongoing criminal investigations and or judicial proceedings before, during and after such investigations and proceedings;

17. *Also calls upon* States to adopt and implement sustained and inclusive child-empowering non-formal and formal education programmes, providing children, parents, caregivers, teachers and other professionals working with children with basic skills relating to media and information literacy, notably information and training on the online environment, its safe use, benefits and risks, in order to increase their awareness and capacity to adopt online coping strategies, and to support children's resilience, including by involving children, former victims, relevant non-governmental organizations and relevant industries;

18. *Further calls upon* States to develop initiatives and programmes using information and communications technologies, including mobile telephone and social media, to inform children of their rights, the risks of sexual abuse and exploitation and coping strategies, including by implementing timely alert mechanisms, while taking into account the challenges faced by children with disabilities in that regard;

19. *Urges* States to establish widely available, easily accessible, child- and gender-sensitive and confidential counselling, reporting and complaints mechanisms for children, such as child helplines, to report inappropriate interactions and violence encountered online and to protect children;

20. *Encourages* the participation of children in the development and implementation of policies, programmes and other initiatives aimed at promoting the rights of the child, in particular those preventing and combating child sexual abuse and exploitation online and offline;

21. *Encourages* States to build and strengthen multi-stakeholder platforms with the participation of Governments, civil society and representatives of industry, in particular with the information and communications technology sector, the tourism and travel industry and the banking and finance sectors, with a view to promoting private partners' participation in the elaboration and implementation of policies to empower and inform children, prevent child sexual abuse and exploitation online and offline, which would include preventive safety and quality alert measures;

22. *Decides* to continue its consideration of the question of the rights of the child in accordance with its programme of work and its resolutions 7/29 of 28 March 2008 and 19/37 of 23 March 2012, and to focus its next annual day of discussion on the theme

"Protection of the rights of the child in the implementation of the 2030 Agenda for Sustainable Development";

23. *Requests* the United Nations High Commissioner for Human Rights to prepare a report on that theme, in close cooperation with all relevant stakeholders, including States, the United Nations Children's Fund, other relevant United Nations bodies and agencies, relevant special procedure mandate holders, regional organizations and human rights bodies, national human rights institutions and civil society, including children themselves, and to present it to the Human Rights Council at its thirty-fourth session with a view to providing information for the annual day of discussion on the rights of the child.

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31/8. Human rights and the environment

The Human Rights Council,

Reaffirming all its resolutions on human rights and the environment, the latest of which is resolution 28/11 of 26 March 2015, and relevant resolutions of the General Assembly and the Commission on Human Rights,

Recalling General Assembly resolution 70/1 of 25 September 2015, entitled "Transforming our world: the 2030 Agenda for Sustainable Development", in which the Assembly adopted a comprehensive, far-reaching and people-centered set of universal and transformative Sustainable Development Goals and targets, its commitment to working tirelessly for the full implementation of the Agenda by 2030, its recognition that eradicating poverty in all its forms and dimensions, including extreme poverty, is the greatest global challenge and an indispensable requirement for sustainable development, its commitment to achieving sustainable development in its three dimensions – economic, social and environmental – in a balanced and integrated manner, and to building upon the achievements of the Millennium Development Goals and seeking to address their unfinished business, and aiming to contribute to the full implementation of that Agenda by 2030, and to the high-level political forum on sustainable development as the central United Nations platform for follow-up and review thereof,

Recalling also the outcome of the United Nations Conference on Sustainable Development, held in Rio de Janeiro, Brazil, in June 2012, and its outcome document "The future we want", which reaffirmed the principles of the Rio Declaration on Environment and Development, including principle 7,

Recognizing that human beings are at the centre of concerns for sustainable development, that the right to development must be fulfilled in order to meet the development and environmental needs of present and future generations equitably, and that the human person is the central subject of development and should be an active participant in and the beneficiary of the right to development,

Reaffirming that all human rights are universal, indivisible, interdependent and interrelated,

Welcoming the adoption of the Paris Agreement under the United Nations Framework Convention on Climate Change, in which parties acknowledge in the preamble that parties should, when taking action to address climate change, respect, promote and consider their respective obligations on human rights, the right to health, the rights of indigenous peoples, local communities, migrants, children, persons with disabilities and people in vulnerable situations and the right to development, as well as gender equality, empowerment of women and intergenerational equity,,

Recognizing that sustainable development and the protection of the environment contribute to human well-being and to the enjoyment of human rights,

Recognizing also, conversely, that climate change, the unsustainable management and use of natural resources and the unsound management of chemicals and waste may interfere with the enjoyment of a safe, clean, healthy and sustainable environment, and that environmental damage can have negative implications, both direct and indirect, for the effective enjoyment of all human rights,

Recognizing further that, while the human rights implications of environmental damage are felt by individuals and communities around the world, the consequences are felt most acutely by those segments of the population which are already in vulnerable situations,

1. *Welcomes* the work undertaken to date by the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, and takes note of his most recent reports on possible methods of implementing human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment[1] and on human rights obligations relating to climate change;[2]

2. *Also welcomes* the work of the Office of the United Nations High Commissioner for Human Rights on the issue of human rights and the environment;

3. *Further welcomes* the work undertaken by the United Nations Environment Programme in support of the mandate of the Special Rapporteur and in helping to clarify the relationship between human rights and the environment;

4. *Calls upon* States:

(*a*) To respect, protect and fulfil human rights, including in actions relating to environmental challenges;

(*b*) To adopt and implement laws ensuring, among other things, the rights to information, participation and access to justice in the field of the environment;

(*c*) To facilitate public awareness and participation in environmental decision-making, including of civil society, women, youth and indigenous peoples, by protecting all human rights, including the rights to freedom of expression and to freedom of peaceful assembly and association;

(*d*) To implement fully their obligations to respect and ensure human rights without distinction of any kind, including in the application of environmental laws and policies;

(*e*) To promote a safe and enabling environment in which individuals, groups and organs of society, including those working on human rights and environmental issues, can operate free from threats, hindrance and insecurity;

[1] A/HRC/31/53.
[2] A/HRC/31/52.

(*f*) To provide for effective remedies for human rights violations and abuses, including those relating to the enjoyment of a safe, clean, healthy and sustainable environment, in accordance with their international obligations and commitments;

(*g*) To take into account human rights obligations and commitments relating to the enjoyment of a safe, clean, healthy and sustainable environment in the implementation and monitoring of the Sustainable Development Goals, bearing in mind the integrated and multisectoral nature of the latter;

5. *Encourages* States:

(*a*) To adopt an effective normative framework for the enjoyment of a safe, clean, healthy and sustainable environment;

(*b*) To address compliance with human rights obligations and commitments relating to the enjoyment of a safe, clean, healthy and sustainable environment in the framework of human rights mechanisms, including the universal periodic review;

(*c*) To facilitate the exchange of knowledge and experiences between experts in the environmental and human rights fields, and to promote coherence among different policy areas;

(*d*) To build capacities for taking human rights obligations and commitments into account in their efforts to protect the environment;

(*e*) To explore ways to incorporate information on human rights and the environment, including climate change, in school curricula, in order to teach the next generations to act as agents of change, including by taking into account indigenous knowledge;

(*f*) To seek to ensure that projects supported by environmental finance mechanisms respect all human rights;

(*g*) To collect disaggregated data on the effects of environmental harm on vulnerable groups, as appropriate;

(*h*) To promote environmental action, including climate action, that is gender-responsive and takes into consideration the vulnerability of ecosystems and the needs of persons and communities in vulnerable situations;

(*i*) To continue to share good practices in fulfilling human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment through the good practices database maintained by the Special Rapporteur;

(*j*) To build capacity for the judicial sector to understand the relationship between human rights and the environment;

(*k*) To foster a responsible private business sector and to encourage corporate sustainability reporting while protecting environmental standards in accordance with relevant international standards and agreements and other ongoing initiatives in this regard;

(*l*) To consider further, among other aspects, respect for human rights within the framework of United Nations Framework Convention on Climate Change;

6. *Looks forward* to the twenty-second session of the Conference of the Parties to the United Nations Framework Convention on Climate Change, to be organized by Morocco, in Marrakesh, from 7 to 18 November 2016;

7. *Recognizes* the important role played by individuals, groups and organs of society, including human rights defenders, in the promotion and protection of human rights as they relate to the enjoyment of a safe, clean, healthy and sustainable environment;

8. *Also recognizes* the important role of national human rights institutions in support of human rights relating to the enjoyment of a safe, clean, healthy and sustainable environment;

9. *Stresses* the need for enhanced cooperation among States, the United Nations Development Programme, the United Nations Environment Programme, the Office of the United Nations High Commissioner for Human Rights and other relevant international and regional organizations, agencies and programmes, in accordance with their respective mandates, including by regularly exchanging knowledge and ideas and building synergies in the protection of human rights and the protection of the environment, bearing in mind an integrated and multisectoral approach;

10. *Decides* to remain seized of the matter, in accordance with its annual programme of work.

62nd meeting
23 March 2016

[Adopted without a vote.]

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General Assembly

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Human Rights Council
Thirty-first session
Agenda item 3

Resolution adopted by the Human Rights Council on 23 March 2016

31/9. Adequate housing as a component of the right to an adequate standard of living, and the right to non-discrimination in this context

The Human Rights Council,

Reaffirming that international human rights law instruments, including the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights, entail obligations and commitments of States parties, including all levels of government, in relation to access to adequate housing,

Recalling all previous resolutions of the Human Rights Council and those adopted by the Commission on Human Rights on the issue of the right to adequate housing as a component of the right to an adequate standard of living, including Council resolution 25/17 of 28 March 2014,

Recalling also all previous resolutions adopted by the Commission on Human Rights on the issue of women's equal rights to ownership of, access to and control over land and the equal rights to own and inherit property and to adequate housing, including resolution 2005/25 of 15 April 2005 on women's equal ownership, access to and control over land and the equal rights to own property and to adequate housing, and resolution 1997/44 of 11 April 1997, and the report on economic and social policy and its impact on violence against women submitted by the Special Rapporteur on violence against women, its causes and consequences pursuant to that resolution,[1]

Reaffirming the principles and commitments with regard to adequate housing enshrined in the relevant provisions of declarations and programmes adopted by major United Nations conferences and summits and at special sessions of the General Assembly and at their follow-up meetings, inter alia, the Istanbul Declaration on Human Settlements and the Habitat Agenda,[2] and the Declaration on Cities and Other Human Settlements in the New Millennium, adopted at the twenty-fifth special session of the Assembly and annexed to its resolution S-25/2 of 9 June 2001,

[1] E/CN.4/2000/68/Add.5.
[2] A/CONF.165/14.

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Recalling that States have the primary responsibility to ensure the full realization of all human rights and to endeavour to take steps, individually and through international assistance and cooperation, especially economic and technical, to the maximum of their available resources, with a view to progressively achieving the full realization of the right to adequate housing as a component of the right to an adequate standard of living by all appropriate means, including the adoption of legislative measures,

Welcoming the adoption by the General Assembly of the 2030 Agenda for Sustainable Development,[3] in which the Assembly acknowledged, inter alia, the importance of making cities and human settlements inclusive, safe, resilient and sustainable,

Welcoming also the decision by the General Assembly, in its resolution 66/203 of 22 December 2011, to convene a United Nations Conference on Housing and Sustainable Urban Development (Habitat III), to be held in Quito in October 2016, to reinvigorate the global commitment to and support for housing and sustainable urban development and the implementation of the New Urban Agenda,

Emphasizing that the adverse effects of climate change have a range of implications, both direct and indirect, for the effective enjoyment of human rights, inter alia, the right to adequate housing as a component of the right to an adequate standard of living, and welcoming the adoption of the Paris Agreement under the United Nations Framework Convention on Climate Change,

Expressing deep concern at the number and scale of natural disasters, and in this regard welcoming the adoption of the Sendai Framework for Disaster Risk Reduction 2015-2030,[4]

Noting with interest the work of the United Nations treaty bodies, in particular the Committee on Economic, Social and Cultural Rights, in the promotion of the rights related to adequate housing as a component of the right to an adequate standard of living, including all its relevant general comments and, for States parties to the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, the examination of individual communications,

Recalling the Global Housing Strategy of the United Nations Human Settlements Programme, the principles on housing and property restitution for refugees and displaced persons,[5] the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security, and the guiding principles on security of tenure for the urban poor, as laid out in the report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context,[6]

Concerned that the right to adequate housing is not realized for many throughout the world, and that millions continue to live in substandard housing and millions more are homeless or at immediate risk of homelessness, and recognizing that this situation should be addressed by urgent and immediate measures by States and the international community, in accordance with existing international human rights standards,

Deeply concerned that homelessness disproportionately affects women and persons with disabilities, and other persons who are marginalized and most vulnerable, each in different ways but with common structural causes, and that homelessness and tenure

[3] General Assembly resolution 70/1.
[4] General Assembly resolution 69/283, annexes I and II.
[5] E/CN.4/Sub.2/2005/17, annex.
[6] A/HRC/25/54.

insecurity per se might result in discrimination, criminalization and further exclusion, particularly social and economic exclusion,

Reaffirming that everyone is entitled to the right to adequate housing as a component of the right to an adequate standard of living without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Recognizing that homelessness is caused by the interplay of individual circumstances and broader systemic factors, and that fulfilling the right to adequate housing as a component of the right to an adequate standard of living requires developing and implementing long-term and human rights-based multisectoral policies and strategies that are gender-responsive and simultaneously address discrimination, marginalization, social exclusion and housing deprivation,

Recognizing also that security of tenure enhances the enjoyment of the right to adequate housing and is significant to the enjoyment of many other economic, social, cultural, civil and political rights, and that all persons should possess a degree of security of tenure that guarantees legal protection against forced eviction, harassment and other threats,

Recognizing further the need to promote, protect and strengthen a variety of tenure forms, in particular by mainstreaming human rights into national urbanization policies and rural development and planning, including in housing and slum upgrading, land management and land administration policies, and to ensure social integration, with the full participation of all relevant stakeholders,

1. *Welcomes* the work of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, including the undertaking of country missions;

2. *Acknowledges with appreciation* in particular the report on homelessness of the Special Rapporteur;[7]

3. *Calls upon* States to implement the 2030 Agenda for Sustainable Development, including target 11.1, which outlines the objective of ensuring access for all to adequate, safe and affordable housing and basic services and upgrading slums, and in this context urges States to adopt, in consultation with relevant stakeholders, inclusive and cross-sectoral strategies that respect, protect and fulfil the human rights of all, and to ensure that these strategies outline clear responsibilities at all levels of government, contain measurable goals, targets and timelines, and include appropriate mechanisms for monitoring and review, with particular emphasis on the needs of persons who are marginalized and most vulnerable;

4. *Also calls upon* States to give due consideration to integrating the human right to adequate housing as a component of the right to an adequate standard of living in the negotiation process and the implementation of the outcome document of the United Nations Conference on Housing and Sustainable Urban Development (Habitat III) and the New Urban Agenda;

5. *Further calls upon* States to take all measures necessary to eliminate legislation that criminalizes homelessness and to ensure an effective remedy and the right to access to justice for all for violations in the context of the realization of the right to adequate housing as a component of the right to an adequate standard of living, including measures necessary to ensure that women and persons at risk have equal access to justice;

[7] A/HRC/31/54.

6. *Calls upon* States to take positive measures with a view to prevent and eliminate homelessness by adopting and implementing cross-sectoral strategies that are gender-responsive and based on international human rights law;

7. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide all assistance necessary to the Special Rapporteur for the effective fulfilment of his or her mandate;

8. *Notes with appreciation* the cooperation extended to date to the Special Rapporteur by different actors, and calls upon States:

(*a*) To continue to cooperate with the Special Rapporteur in the discharge of his or her mandate and to respond favourably to his or her requests for information and visits;

(*b*) To enter into a constructive dialogue with the Special Rapporteur with respect to the follow-up to and implementation of his or her recommendations;

9. *Decides* to continue its consideration of this matter under the same agenda item.

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Resolution adopted by the Human Rights Council on 23 March 2016

31/10. The right to food

The Human Rights Council,

Recalling all previous resolutions of the General Assembly and the Human Rights Council on the right to food, as well as all resolutions of the Commission on Human Rights on the issue,

Recalling also the seventh special session of the Human Rights Council, at which the Council analysed the negative impact of the worsening world food crisis on the realization of the right to food for all, and Council resolutions S-7/1 of 22 May 2008, 9/6 of 18 September 2008 and 12/10 of 1 October 2009,

Recalling further the Universal Declaration of Human Rights, which provides that everyone has the right to a standard of living adequate for her or his health and well-being, including food, the Universal Declaration on the Eradication of Hunger and Malnutrition, the United Nations Millennium Declaration, in particular Millennium Development Goal 1 on eradicating extreme poverty and hunger by 2015, and the 2030 Agenda for Sustainable Development,[1] in particular the Sustainable Development Goals on ending hunger, achieving food security and improved nutrition and promoting sustainable agriculture and on ending poverty in all its forms everywhere,

Recalling the provisions of the International Covenant on Economic, Social and Cultural Rights, in which the right of everyone to adequate food, including the fundamental right of every person to be free from hunger, is recognized,

Bearing in mind the Rome Declaration on World Food Security and the World Food Summit Plan of Action, adopted at the World Food Summit in November 1996, the Declaration of the World Food Summit: five years later, adopted on 13 June 2002, and the Declaration of the World Summit on Food Security, adopted on 16 November 2009,

Reaffirming the importance of the concrete recommendations contained in the Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food

[1] General Assembly resolution 70/1.

in the Context of National Food Security, adopted by the Council of the Food and Agriculture Organization of the United Nations in November 2004, and the Rome Declaration on Nutrition and its Framework for Action, adopted in Rome on 21 November 2014,

Acknowledging that the right to food is the right of every individual, alone or in community with others, to have physical and economic access at all times to sufficient, adequate and culturally acceptable food that is produced and consumed sustainably, preserving access to food for future generations,

Reaffirming the Five Rome Principles for Sustainable Global Food Security contained in the Declaration of the World Summit on Food Security,

Reaffirming also that all human rights are universal, indivisible, interdependent and interrelated, and that they must be treated globally, in a fair and equal manner, on the same footing and with the same emphasis,

Reaffirming further that a peaceful, stable and enabling political, social and economic environment at both the national and international levels is the essential foundation that will enable States to give adequate priority to food security and poverty eradication,

Reiterating, as in the Rome Declaration on World Food Security and the Declaration of the World Food Summit: five years later, that food should not be used as an instrument of political or economic pressure, and reaffirming in this regard the importance of international cooperation and solidarity, and the necessity of refraining from unilateral measures that are not in accordance with international law and the Charter of the United Nations and that endanger food and nutrition security,

Convinced that each State must adopt a strategy consistent with its resources and capacities to achieve its individual goals in implementing the recommendations contained in the Rome Declaration on World Food Security and the World Food Summit Plan of Action and, at the same time, cooperate regionally and internationally in order to organize collective solutions to global issues of food security in a world of increasingly interlinked institutions, societies and economies, where coordinated efforts and shared responsibilities are essential,

Reaffirming that food security is a national responsibility, and that any plan for addressing food security challenges must be nationally articulated, designed, owned and led, and built on consultation with all key stakeholders, and recognizing the commitment to strengthening the multilateral system in the channelling of resources and in the promotion of policies dedicated to fighting hunger and malnutrition,

Recognizing that, despite the efforts made, the problems of hunger, food insecurity and malnutrition have a global dimension and that there has not been sufficient progress in reducing hunger, and that they could increase dramatically in some regions unless urgent, determined and concerted action is taken,

Recognizing also the complex character of the global food crisis, in which the right to food is threatened to be violated on a substantial scale, as a combination of several major factors, such as the global financial and economic crisis, environmental degradation, desertification and the impact of global climate change, as well as natural disasters and the lack of development in many countries and transfer of relevant technology to address this issue, particularly in developing countries, least developed countries and small island and vulnerable developing States, that are having a negative impact on the realization of the right to food, in particular in the said countries,

Recognizing further that the elimination of the current distortions in the agricultural trading system will allow local producers and poor farmers to compete and to sell their products, thereby facilitating the realization of the right to adequate food, while noting the commitment to continuing the agricultural trade discussions as mandated by the World Trade Organization,

Resolved to act to ensure that the full realization of all human rights, including the right to development, is taken into account at the national, regional and international levels in addressing the global food crisis,

Recognizing the importance and positive role of smallholder and subsistence farmers, including women farmers, young farmers, family farmers and farmers in less favoured areas, cooperatives and indigenous and local communities in developing countries,

Expressing its deep concern at the number and scale of natural disasters, diseases and pests and their increasing impact in recent years, which have resulted in massive loss of life and livelihood and threatened agricultural production and food security, in particular in developing countries,

Recognizing the need to prioritize food security and end hunger, and the particular vulnerabilities of food systems to the adverse impact of climate change, and, given this situation, that small and medium-sized farmers in developing countries need to receive technical, technology transfer and capacity-building support,

Stressing the need to increase official development assistance devoted to agriculture, both in real terms and as a share of total official development assistance,

Recognizing the need to increase sustainable private and public investments in agriculture from all relevant sources for the realization of the right to food,

Recalling the endorsement of the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security by the Committee on World Food Security at its thirty-eighth session, held on 11 May 2012, and by the Council of the Food and Agriculture Organization of the United Nations at its 144th session,

Recalling also the Principles for Responsible Investment in Agriculture and Food Systems, which were endorsed by the Committee on World Food Security at its forty-first session, held in October 2014, and transmitted to the governing bodies of the Food and Agriculture Organization of the United Nations for consideration,

Recalling further the reaffirmation by the Committee on Food Security at its forty-first session of the commitment to implement the Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security and to strive for the realization of the right to adequate food for all in the years to come,

Stressing the importance of the second International Conference on Nutrition, hosted by the World Health Organization and the Food and Agriculture Organization of the United Nations in Rome from 19 to 21 November 2014, at which the two main outcome documents, namely, the Rome Declaration on Nutrition and the Framework for Action, were endorsed,

Recognizing the importance of the protection and preservation of agrobiodiversity in guaranteeing food security and the right to food for all,

Recognizing also the role of the Food and Agriculture Organization of the United Nations as the key United Nations agency for rural and agricultural development and its work in supporting the efforts of Member States to achieve the full realization of the right

to food, including through its provision of technical assistance to developing countries in support of the implementation of national priority frameworks,

Recalling the outcome document of the United Nations Conference on Sustainable Development, entitled "The future we want", endorsed by the General Assembly in its resolution 66/288 on 27 July 2012, and reaffirming the principles contained therein,

1. *Reaffirms* that hunger constitutes an outrage and a violation of human dignity, and therefore requires the adoption of urgent measures at the national, regional and international levels for its elimination;

2. *Also reaffirms* the right of everyone to have access to safe, sufficient and nutritious food, consistent with the right to adequate food and the fundamental right of everyone to be free from hunger, so as to be able to fully develop and maintain his or her physical and mental capacities;

3. *Considers it intolerable* that, as estimated by the United Nations Children's Fund, more than one third of the children who die every year before the age of 5 die from hunger-related illness and that, as estimated by the Food and Agriculture Organization of the United Nations, about 795 million people in the world remain undernourished owing to the lack of sufficient food for conducting an active and healthy life, including as one of the effects derived from the global food crisis, while, according to the Food and Agriculture Organization, the planet could produce enough food to feed everyone around the world;

4. *Expresses its deep concern* that, according to the report of the Food and Agriculture Organization of the United Nations entitled *The State of Food Insecurity in the World 2015*, the number of hungry people in the world remains unacceptably high and the vast majority of hungry people live in developing countries;

5. *Expresses its concern* at the fact that the effects of the world food crisis continue to have serious consequences for the poorest and most vulnerable people, particularly in developing countries, which have been further aggravated by the world financial and economic crisis, and at the particular effects of this crisis on many net food-importing developing countries, especially least developed countries;

6. *Expresses its great concern* that, while women contribute more than 50 per cent of the food produced worldwide, they also account for 70 per cent of the world's hungry, that women and girls are disproportionately affected by hunger, food insecurity and poverty, in part as a result of gender inequality and discrimination, that in many countries girls are twice as likely as boys to die from malnutrition and preventable childhood diseases, and that it is estimated that almost twice as many women as men suffer from malnutrition;

7. *Recognizes* that reinforcing the rights of girls and women, especially those who are poor and vulnerable, to education and social protection and that increasing women's participation in decision-making and access to resources in an objective manner are critical for enhancing women's vital role in advancing agricultural development and food security, and recognizes also in that regard that the promotion of agro-industry through the dissemination of knowledge, the development and transfer of technology, capacity-building and financial support is a precondition for the involvement of women in advancing agriculture in developing countries;

8. *Encourages* all States to mainstream a gender perspective in food security programmes and to take action to address de jure and de facto gender inequality and discrimination against women, in particular where such inequality and discrimination contribute to the malnutrition of women and girls, including by taking measures to ensure the full and equal realization of the right to food and ensuring that women and girls have equal access to social protection and resources, including income, land and water, and their

ownership, and full and equal access to health care, education, science and technology, to enable them to feed themselves and their families, and in this regard stresses the need to empower women and to strengthen their role in decision-making;

9. *Recognizes* the importance of smallholder and subsistence farmers in developing countries, including women and local and indigenous communities, in ensuring food security, reducing poverty and preserving ecosystems, and the need to assist their development;

10. *Encourages* the Special Rapporteur on the right to food to continue to mainstream a gender perspective in the fulfilment of her mandate, and encourages the Food and Agriculture Organization of the United Nations and all other United Nations bodies and mechanisms that address the right to food and food insecurity to integrate and effectively implement a gender perspective in their relevant policies, programmes and activities regarding access to food;

11. *Reaffirms* the need to ensure that programmes delivering safe, sufficient, nutritious and culturally accepted food are inclusive and accessible to persons with disabilities;

12. *Encourages* States to take steps with a view to progressively achieving the full realization of the right to food for all, and to take steps to promote the conditions for everyone to be free from hunger and, as soon as possible, to enjoy fully the right to food and, where appropriate, to consider establishing appropriate institutional mechanisms and to adopt national plans to combat hunger;

13. *Underlines* the significance of national government policies and strategies in food production, poverty alleviation and social protection, and the importance of the national efforts made to ensure that women have equal access to State-sponsored benefits, facilities and services;

14. *Recognizes* the advances made through South-South cooperation in developing countries and regions in connection with food security and the development of agricultural production for the full realization of the right to food, and encourages States to increase such cooperation as a complement to North-South cooperation and to promote triangular cooperation further;

15. *Also recognizes* the importance of traditional sustainable agricultural practices, inter alia, traditional seed supply systems, including for many indigenous peoples and local communities;

16. *Stresses* that the primary responsibility of States is to promote and protect the right to food, and that the international community should provide, through a coordinated response and upon request, international cooperation in support of national and regional efforts by providing the assistance necessary to increase food production and access to food, particularly through agricultural development assistance, the transfer of technology, food crop rehabilitation assistance and food aid, ensuring food security, with special attention to the specific needs of women and girls, support for the development of adapted technologies, research on rural advisory services and support for access to financing services, and to ensure support for the establishment of secure land tenure systems;

17. *Calls upon* States parties to the International Covenant on Economic, Social and Cultural Rights to fulfil their obligations under article 2, paragraph 1 and article 11, paragraph 2, in particular with regard to the right to adequate food;

18. *Calls upon* States, individually and through international cooperation and assistance, relevant multilateral institutions and other relevant stakeholders, to take all the measures necessary to ensure the realization of the right to food as an essential human

rights objective, and to consider reviewing any policy or measure that could have a negative impact on the realization of the right to food, particularly the right of everyone to be free from hunger, before instituting such a policy or measure;

19. *Stresses* that improving access to productive resources and investment in rural development is essential for eradicating hunger and poverty, in particular in developing countries, through, inter alia, the promotion of investments in appropriate small-scale irrigation and water management technologies in order to reduce vulnerability to droughts, and in programmes, practices and policies to scale up agroecological approaches;

20. *Recognizes* that 70 per cent of hungry people live in rural areas and 50 per cent are small-scale farm-holders, and that these people are especially vulnerable to food insecurity given the increasing cost of inputs and the fall in farm incomes; that access to land, water, seeds and other natural resources is an increasing challenge for poor producers; that sustainable and gender-sensitive agricultural policies are important tools for promoting land and agrarian reform, rural credit and insurance, technical assistance and other associated measures to achieve food security and rural development; and that support by States for small farmers, fishing communities and local enterprises, including through the facilitation of access of their products to national and international markets and empowerment of small producers, particularly women, in value chains, is a key element for food security and the right to food;

21. *Stresses* the importance of fighting hunger in rural areas, including through national efforts supported by international partnerships to stop desertification and land degradation and through investments and public policies that are specifically appropriate to the risk of drylands, and in this regard calls for the full implementation of the United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa;

22. *Recalls* the United Nations Declaration on the Rights of Indigenous Peoples, and acknowledges that many indigenous organizations and representatives of indigenous peoples have expressed in different forums their deep concern over the obstacles and challenges to the full enjoyment of the right to food that indigenous peoples face, and calls upon States to take special actions to combat the root causes of the often disproportionately high level of hunger and malnutrition among indigenous peoples and the continuous discrimination against them;

23. *Welcomes* the outcome document of the high-level plenary meeting of the General Assembly known as the World Conference on Indigenous Peoples,[2] held on 22 and 23 September 2014, and the commitment to developing, in conjunction with the indigenous peoples concerned and where appropriate, policies, programmes and resources to support indigenous peoples' occupations, traditional subsistence activities, economies, livelihoods, food security and nutrition;

24. *Requests* all States, private actors, international organizations and agencies, within their respective mandates, to take fully into account the need to promote the effective realization of the right to food for all, including in ongoing negotiations in different fields;

25. *Encourages* all relevant international organizations and agencies to bring a human rights perspective and the need for the realization of the right to food for all to their studies, research, reports and resolutions on the issue of food security;

[2] General Assembly resolution 69/2.

26. *Recognizes* the need to strengthen national commitments and international assistance, upon the request of and in cooperation with affected countries, towards the full realization and protection of the right to food, and in particular to develop national protection mechanisms for people forced to leave their homes and land because of hunger or humanitarian emergencies affecting the enjoyment of the right to food;

27. *Notes with appreciation* the growing movement, in different regions of the world, towards the adoption of framework laws, national strategies and measures in support of the full realization of the right to food for all;

28. *Recognizes* the importance of giving due consideration to the adverse impact of climate change on the full realization of the right to food;

29. *Recognizes also* the impact of the current cycle of El Niño in agricultural production and food security around the world and the importance of designing and implementing actions to reduce its effects, particularly on vulnerable populations such as rural women, bearing in mind the role they play in supporting their households and communities in achieving food and nutrition security, generating income and improving rural livelihoods and overall well-being;

30. *Stresses* the need to make efforts to mobilize and optimize the allocation and utilization of technical and financial resources from all sources, including external debt relief for developing countries, and to reinforce national actions to implement sustainable food security policies;

31. *Encourages* States to consider developing their legal structures in order to protect resources directly related to the right to food, such as water resources, access to land and seed production;

32. *Calls for* a successful, development-oriented outcome of the Doha Round of trade negotiations of the World Trade Organization as a contribution to creating international conditions permitting the full realization of the right to food;

33. *Stresses* that all States should make every effort to ensure that their international policies of a political and economic nature, including international trade agreements, do not have a negative impact on the right to food in other countries;

34. *Encourages* the Special Rapporteur to continue to cooperate with States in order to enhance the contribution of development cooperation and food aid to the realization of the right to food, within existing mechanisms, taking into account the views of all stakeholders;

35. *Recalls* the importance of the New York Declaration on Action against Hunger and Poverty, and recommends the continuation of efforts aimed at identifying additional sources of financing for the fight against hunger and poverty;

36. *Recognizes* that the promises made at the World Food Summit in 1996 to halve the number of persons who are undernourished are not being fulfilled, while recognizing the efforts of Member States in this regard, and once again invites all international financial and development institutions, and the relevant United Nations agencies and funds, to give priority to and provide the funding necessary to realize the right to food, as set out in the Rome Declaration on World Food Security, and to achieve the aims of Sustainable Development Goal 2 and other food and nutrition-related targets;

37. *Reaffirms* that integrating food and nutritional support with the goal of ensuring that all people at all times have access to sufficient, safe and nutritious food to meet their dietary needs and food preferences for an active and healthy life is part of a comprehensive effort to improve public health, including the response to the spread of HIV/AIDS, tuberculosis, malaria and other diseases;

38. *Calls upon* all States and, where appropriate, relevant international organizations:

(*a*) To combat the different forms of malnutrition as a means to realize the right to adequate food, including, if appropriate, by adopting a national strategy in this regard;

(*b*) To take measures and support programmes that are aimed at combating the irreversible effects of chronic undernutrition in early childhood, in particular by targeting the first thousand days of a child's life;

(*c*) To support the national plans and programmes of States to improve nutrition in poor households, in particular plans and programmes that are aimed at combating undernutrition in mothers and children, and those targeting the irreversible effects of chronic undernutrition in early childhood, from gestation to the age of 2 years;

(*d*) To implement policies and programmes to reduce and eliminate preventable mortality and morbidity, as a result of malnutrition, of children under 5 years of age;

39. *Urges* States to give adequate priority in their development strategies and expenditures to the realization of the right to food;

40. *Stresses* the importance of international cooperation and development assistance as an effective contribution to both the expansion and improvement of agriculture and its environmental sustainability, and the provision of humanitarian food assistance in activities relating to emergency situations for the realization of the right to food and the achievement of sustainable food security, while recognizing that each State has the primary responsibility for ensuring the implementation of national programmes and strategies in this regard;

41. *Invites* all relevant international organizations, including the World Bank and the International Monetary Fund, to continue to promote policies and projects that have a positive impact on the right to food, to ensure that partners respect the right to food in the implementation of common projects, to support strategies of Member States aimed at the fulfilment of the right to food and to avoid any actions that could have a negative impact on its realization;

42. *Calls upon* the private sector, including transnational corporations, to support investment and innovation, recognizing women's economic empowerment, to help, inter alia, increase the participation of small-scale farmers in markets and agriculture food chains;

43. *Encourages* the Special Rapporteur to continue her collaboration with relevant international organizations and United Nations agencies, programmes and funds, in particular the Rome-based ones, including the Food and Agriculture Organization of the United Nations, the International Fund for Agricultural Development and the World Food Programme, in order to contribute to ensuring that the right to food is promoted further within these organizations, in accordance with their respective mandates, including for the advancement of smallholders and agricultural workers in both developing and least developed countries;

44. *Reaffirms* that all States should take steps, individually and through international assistance and cooperation, especially economic and technical, to the maximum of available resources, with a view to achieving progressively the full realization of the right to food by all appropriate means, including particularly the adoption of legislative measures;

45. *Encourages* all States to consider developing awareness-raising campaigns to ensure that rights holders have access to information on the right to food and on any obligation pertaining thereto;

46. *Underlines* the importance of effective remedies for violations of the right to food;

47. *Takes note with appreciation* of the report of the Special Rapporteur;[3]

48. *Supports* the fulfilment of the mandate of the Special Rapporteur, as established by the Human Rights Council in its resolution 6/2 of 27 September 2007;

49. *Requests* the Special Rapporteur, as part of the mandate, to continue to monitor the evolution of the world food crisis and, in the context of the mandate and regular reports, to keep the Human Rights Council informed of the impact of the crisis on the enjoyment of the right to food and to alert it to possible further actions in this regard;

50. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to continue to provide all the human and financial resources necessary for the continuation of the effective fulfilment of the mandate of the Special Rapporteur;

51. *Calls upon* all Governments to cooperate with and assist the Special Rapporteur in her task by supplying all necessary information requested by the mandate holder and to give serious consideration to responding favourably to the requests of the Special Rapporteur to visit their countries to enable her to fulfil her mandate more effectively;

52. *Invites* Governments, relevant United Nations agencies, funds and programmes, treaty bodies, civil society actors, including non-governmental organizations, and the private sector to cooperate fully with the Special Rapporteur in the fulfilment of her mandate through, inter alia, the submission of comments and suggestions on ways and means of realizing the right to food;

53. *Requests* the Special Rapporteur to submit a report on the implementation of the present resolution to the Human Rights Council at its thirty-fourth session;

54. *Decides* to continue consideration of this matter under the same agenda item at its thirty-fourth session.

62nd meeting
23 March 2016

[Adopted without a vote.]

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[3] A/HRC/31/51.

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Agenda item 3

Resolution adopted by the Human Rights Council on 23 March 2016

31/11. The effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights

The Human Rights Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the Vienna Declaration and Programme of Action and other relevant international human rights instruments,

Reaffirming all resolutions and decisions adopted by the Commission on Human Rights and the Human Rights Council on the effects of structural adjustment and economic reform policies and foreign debt on the full enjoyment of all human rights, particularly economic, social and cultural rights, the latest being Council resolution 28/8 of 26 March 2015,

Reaffirming also its resolutions 25/9 of 27 March 2014 and 28/5 of 26 March 2015,

Reaffirming further its resolution S-10/1 of 23 February 2009 on the impact of the global economic and financial crises on the universal realization and effective enjoyment of human rights,

Bearing in mind paragraph 6 of General Assembly resolution 60/251 of 15 March 2006,

Stressing that one of the purposes of the United Nations is to achieve international cooperation in solving international problems of an economic, social, cultural or humanitarian character,

Emphasizing that the World Conference on Human Rights agreed to call upon the international community to make all efforts to help to alleviate the external debt burden of developing countries in order to supplement the efforts of the Governments of such countries to attain the full realization of the economic, social and cultural rights of their people,

Please recycle

Mindful of the role, mandate and activities of other United Nations agencies, funds and programmes in dealing with the issues of foreign debt and international financial obligations,

Acknowledging that there is greater acceptance that the increasing debt burden faced by the most indebted developing countries, in particular the least developed countries, is unsustainable and constitutes one of the principal obstacles to achieving progress in people-centred sustainable development and poverty eradication and that, for many developing countries and countries with economies in transition, excessive debt servicing has severely constrained their capacity to promote social development and to provide basic services to create the conditions for the realization of economic, social and cultural rights,

Expressing its concern that, despite repeated rescheduling of debt, developing countries continue to pay out more each year than the actual amount they receive in official development assistance,

Recognizing the sovereign right of any State to restructure its sovereign debt, which should not be frustrated or impeded by any measure emanating from another State,

Emphasizing that inequality often contributes to social exclusion and the marginalization of certain groups and individuals,

Recognizing that inequality may contribute to the occurrence of financial crises, which in turn exacerbate inequality and adversely affect human rights,

Acknowledging that financial and economic crises generally have enormous distributional consequences, and that such crises and the austerity measures adopted in response to them may also have, according to the circumstances, a robust negative social impact that, in turn, perpetuates or exacerbates inequality,

Acknowledging also that a world financial and economic crisis is still threatening debt sustainability in some developing countries through, inter alia, its impact on the real economy and the increase in borrowing undertaken in order to mitigate the negative impacts of the crisis and that the austerity measures adopted in response to that crisis have had a robust social impact that has perpetuated or exacerbated inequality,

Recognizing that illicit financial flows, including tax evasion by high-net-worth individuals, commercial tax evasion through trade misinvoicing and tax avoidance by transnational corporations, contribute to the build-up of unsustainable debt, as Governments lacking domestic revenue may resort to external borrowing,

Affirming that the debt burden further complicates the numerous problems facing developing countries, contributes to extreme poverty and is an obstacle to sustainable human development, and is thus a serious impediment to the realization of all human rights, in particular the right to development,

1. *Takes note with appreciation* of the reports of the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights,[1] and welcomes the work and contributions of the Independent Expert;

2. *Recalls* that every State has the primary responsibility to promote the economic, social and cultural development of its people and, to that end, has the right and responsibility to choose its means and goals of development and should not be subject to external specific prescriptions for economic policy;

[1] A/HRC/31/60 and A/HRC/31/61.

3. *Recognizes* that structural adjustment reform programmes and policy conditionalities limit public expenditure, impose fixed expenditure ceilings and give inadequate attention to the provision of social services, and that only a few countries manage to achieve sustainable higher growth under these programmes;

4. *Reaffirms* the fact that responses to the global financial and economic crises should not result in a decrease in debt relief, nor should they be used as an excuse to stop debt relief measures, as that would have negative implications for the enjoyment of human rights in affected countries;

5. *Urges* States, international organizations and financial institutions to implement urgently financial market reforms in order to combat and prevent financial instability, excessive debt and financial crises;

6. *Expresses its concern* that the level to which the overall debt stock under the enhanced Heavily Indebted Poor Countries Initiative is still low, that the Initiative is not intended to offer a comprehensive solution to the long-term debt burden and that some of the countries that have received debt relief are again at high risk of debt distress;

7. *Reiterates its conviction* that, for heavily indebted poor countries to achieve debt sustainability, long-term growth and poverty reduction goals, the debt relief under the above-mentioned initiative will not be sufficient and that additional resource transfers, in the form of grants and concessional loans and the removal of trade barriers and better prices for their exports, would be required to ensure sustainability and permanent exit from debt overhang;

8. *Regrets* the absence of mechanisms to find appropriate solutions to the unsustainable foreign debt burden of low- and middle-income heavily indebted countries, and that, to date, little headway has been made in redressing the unfairness of the current system of debt resolution, which continues to place the interests of the lenders above those of indebted countries and the poor in those countries, and therefore calls for an intensification of efforts to devise effective and equitable mechanisms to cancel or reduce substantially the foreign debt burden of all developing countries, in particular those severely affected by the devastation of natural disasters, such as tsunamis and hurricanes, and by armed conflicts;

9. *Acknowledges* that, in least developed countries and in several low- and middle-income countries, unsustainable levels of external debt continue to create a considerable barrier to economic and social development;

10. *Recognizes* that debt relief can play a key role in liberating resources that should be directed towards activities consistent with attaining sustainable growth and development, including poverty reduction and the achievement of the 2030 Agenda for Sustainable Development,[2] and therefore that debt relief measures, where appropriate, should be pursued vigorously and expeditiously, ensuring that they do not replace alternative sources of financing and that they are accompanied by an increase in official development assistance;

11. *Calls for* consistent public spending policies that ensure full compliance with the human rights obligations of States and for those policies to take into account the fact that the human rights of the poorest and most vulnerable must be respected, protected and fulfilled;

[2] General Assembly resolution 70/1.

12. *Recalls once again* the call on industrialized countries to implement the enhanced programme of debt relief without further delay and to agree to cancel all the official bilateral debt of those countries in return for their making demonstrable commitments to poverty reduction;

13. *Urges* the international community, including the United Nations system, the Bretton Woods institutions and the private sector, to take appropriate measures and actions for the implementation of the pledges, commitments, agreements and decisions of major United Nations conferences and summits, including the Millennium Summit, the World Conference on Human Rights, the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, the World Conference on Sustainable Development and the International Conference on Financing for Development, in particular those relating to the question of the external debt problem of developing countries, in particular of heavily indebted poor countries, least developed countries and countries with economies in transition;

14. *Recalls* the pledge contained in the Political Declaration annexed to General Assembly resolution S-24/2, adopted on 1 July 2000 by the Assembly, to find effective, equitable, development-oriented and durable solutions to the external debt and debt-servicing burdens of developing countries;

15. *Stresses* the need for the economic reform programmes arising from foreign debt to be country-driven and for any negotiations and conclusion of debt relief and new loan agreements to be formulated with public knowledge and transparency, with legislative frameworks, institutional arrangements and mechanisms for consultation being established to ensure the effective participation of all components of society, including people's legislative bodies and human rights institutions, and particularly of the most vulnerable or disadvantaged, in the design, application and evaluation of strategies, policies and programmes, as well as in the follow-up to and systematic national supervision of their implementation, and for macroeconomic and financial policy issues to be integrated, on an equal footing and in a consistent way, in the realization of broader social development goals, taking into account the national context and the priorities and needs of the debtor countries to allocate resources in a way that ensures balanced development conducive to the overall realization of human rights;

16. *Also stresses* that the economic reform programmes arising from foreign debt should maximize the policy space of developing countries in pursuing their national development efforts, taking into account the views of relevant stakeholders in a way that ensures balanced development conducive to the overall realization of all human rights;

17. *Further stresses* that the economic programmes arising from foreign debt relief and cancellation must not reproduce past structural adjustment policies that have not worked, such as dogmatic demands for privatization and reduced public services;

18. *Calls upon* States, the International Monetary Fund and the World Bank to continue to cooperate closely to ensure that additional resources made available through the Heavily Indebted Poor Countries Initiative, the Global Fund to Fight AIDS, Tuberculosis and Malaria and other new initiatives are absorbed in the recipient countries without affecting ongoing programmes;

19. *Calls upon* creditors, particularly international financial institutions, and debtors alike to consider the preparation of human rights impact assessments with regard to development projects, loan agreements or poverty reduction strategy papers;

20. *Reaffirms* the fact that the exercise of the basic rights of the people of debtor countries to food, housing, clothing, employment, education, health services and a healthy

environment cannot be subordinated to the implementation of structural adjustment policies, growth programmes and economic reforms arising from the debt;

21. *Urges* States, international financial institutions and the private sector to take urgent measures to alleviate the debt problem of those developing countries particularly affected by HIV/AIDS so that more financial resources may be released and used for health care, research and treatment of the population in the affected countries;

22. *Reiterates* its view that, in order to find a durable solution to the debt problem and for the consideration of any new debt resolution mechanism, there is a need for a broad political dialogue between creditor and debtor countries and the multilateral financial institutions, within the United Nations system, based on the principle of shared interests and responsibilities;

23. *Encourages* States to explore further avenues for reforming parts of their legal systems with a view to developing a more equitable taxation system;

24. *Also encourages* States to continue to consider improved approaches to restructuring sovereign debt, taking into account the Basic Principles on Sovereign Debt Restructuring Processes and the work carried out by international financial institutions, in accordance with their respective mandates;

25. *Reiterates* its request to the United Nations High Commissioner for Human Rights to pay more attention to the problem of the debt burden of developing countries, in particular of least developed countries, and especially the social impact of the measures arising from foreign debt;

26. *Requests* the Independent Expert to continue to explore the interlinkages with trade and other issues, including HIV/AIDS, when examining the impact of structural adjustment and foreign debt, and also to contribute, as appropriate, to the process entrusted with the follow-up to the International Conference on Financing for Development with a view to bringing to its attention the issue of the effects of structural adjustment and foreign debt on the enjoyment of human rights, particularly economic, social and cultural rights;

27. *Encourages* the Independent Expert to continue to cooperate, in accordance with his mandate, with the Committee on Economic, Social and Cultural Rights, special rapporteurs, independent experts and members of the expert working groups of the Human Rights Council and its Advisory Committee on issues relating to economic, social and cultural rights and the right to development in his work;

28. *Requests* the Independent Expert to report to the General Assembly on the issue of the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights;

29. *Requests* the Secretary-General to provide the Independent Expert with all necessary assistance, in particular all the staff and resources required to carry out his functions;

30. *Urges* Governments, international organizations, international financial institutions, non-governmental organizations and the private sector to cooperate fully with the Independent Expert in the discharge of the mandate;

31. *Requests* the Independent Expert to submit a report on the implementation of the present resolution to the Human Rights Council at its thirty-fourth session;

32. *Decides* to continue its consideration of this matter at its thirty-fourth session under the same agenda item.

62nd meeting

23 March 2016

[Adopted by a recorded vote of 33 to 12, with 2 abstentions. The voting was as follows:

In favour:

Algeria, Bangladesh, Bolivia (Plurinational State of), Botswana, Burundi, China, Congo, Côte d'Ivoire, Cuba, Ecuador, El Salvador, Ethiopia, Ghana, India, Indonesia, Kenya, Kyrgyzstan, Maldives, Mongolia, Morocco, Namibia, Nigeria, Panama, Paraguay, Philippines, Qatar, Russian Federation, Saudi Arabia, South Africa, Togo, United Arab Emirates, Venezuela (Bolivarian Republic of), Viet Nam

Against:

Albania, Belgium, France, Germany, Latvia, Netherlands, Portugal, Republic of Korea, Slovenia, Switzerland, the former Yugoslav Republic of Macedonia, United Kingdom of Great Britain and Northern Ireland

Abstaining:

Georgia, Mexico]

United Nations

A/HRC/RES/31/12

General Assembly

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Human Rights Council
Thirty-first session
Agenda item 3

Resolution adopted by the Human Rights Council on 23 March 2016

31/12. Promotion of the enjoyment of the cultural rights of everyone and respect for cultural diversity

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Recalling the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Vienna Declaration and Programme of Action and all other relevant human rights instruments,

Recalling also all relevant resolutions of the General Assembly, the Commission on Human Rights and the Human Rights Council, including Assembly resolutions 64/81 of 7 December 2009 and 64/174 of 18 December 2009, and Council resolutions 10/23 of 26 March 2009, 14/9 of 18 June 2010, 17/15 of 17 June 2011, 19/6 of 22 March 2012, 20/11 of 5 July 2012, 23/10 of 13 June 2013, 25/19 of 28 March 2014 and 28/9 of 26 March 2015,

Noting the declarations within the United Nations system on cultural diversity and international cultural cooperation, in particular the Declaration of the Principles of International Cultural Cooperation and the Universal Declaration on Cultural Diversity, adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization in 1966 and 2001, respectively,

Welcoming the increasing number of States parties to the Convention on the Protection and Promotion of the Diversity of Cultural Expressions, adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization on 20 October 2005 and that entered into force on 18 March 2007,

Convinced that international cooperation in promoting and encouraging respect for human rights and fundamental freedoms for all should be based on an understanding of the economic, social and cultural specificities of each country and the full realization and recognition of the universality of all human rights and the principles of freedom, justice, equality and non-discrimination,

Recognizing that cultural diversity and the pursuit of cultural development by all peoples and nations are a source of mutual enrichment for the cultural life of humankind,

Please recycle

Determined to treat human rights globally in a fair and equal manner, on the same footing and with the same emphasis,

1. *Reaffirms* that cultural rights are an integral part of human rights, which are universal, indivisible, interrelated and interdependent;

2. *Recognizes* the right of everyone to take part in cultural life and to enjoy the benefits of scientific progress and its applications;

3. *Reaffirms* that, while the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms;

4. *Recalls* that, as expressed in the Universal Declaration on Cultural Diversity, no one may invoke cultural diversity to infringe upon human rights guaranteed by international law, nor to limit their scope;

5. *Reaffirms* that States have the responsibility to promote and protect cultural rights, and that these rights should be guaranteed for all, without discrimination;

6. *Recognizes* that respect for the cultural diversity and cultural rights of all enhances cultural pluralism, contributing to a wider exchange of knowledge and understanding of cultural heritage and background, advancing the application and enjoyment of human rights throughout the world and fostering stable, friendly relations among peoples and nations worldwide;

7. *Also recognizes* that respect for cultural rights is essential for development, peace and the eradication of poverty, building social cohesion and the promotion of mutual respect, tolerance and understanding between individuals and groups, in all their diversity;

8. *Emphasizes* that the universal promotion and protection of human rights, including cultural rights, and respect for cultural diversity should reinforce each other;

9. *Takes note* of the report of the Special Rapporteur in the field of cultural rights to the Human Rights Council[1] and, in particular, of her intention to submit to the General Assembly at its seventy-first session a final study on the intentional destruction of cultural heritage;

10. *Calls upon* all Governments to cooperate with and to assist the Special Rapporteur in the discharge of the mandate, to provide her with all the necessary information requested by her and to give serious consideration to responding favourably to her requests to visit their countries in order to enable her to fulfil her duties effectively;

11. *Requests* the United Nations High Commissioner for Human Rights to provide all the human and financial resources necessary for the effective fulfilment of the mandate by the Special Rapporteur;

12. *Requests* the Special Rapporteur to report regularly to the Human Rights Council and the General Assembly in accordance with their respective programmes of work;

[1] A/HRC/31/59.

13. *Decides* to continue its consideration of this matter under the same agenda item in accordance with its programme of work.

63rd meeting
23 March 2016

[Adopted without a vote.]

United Nations

A/HRC/RES/31/13

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Thirty-first session
Agenda item 3

Resolution adopted by the Human Rights Council on 23 March 2016

31/13. Rights of persons belonging to national or ethnic, religious and linguistic minorities

The Human Rights Council,

Guided by the principles and purpose of the Charter of the United Nations,

Recalling the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child, the International Convention on the Elimination of All Forms of Racial Discrimination and the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, adopted by consensus by the General Assembly by its resolution 47/135 of 18 December 1992,

Taking into consideration article 27 of the International Covenant on Civil and Political Rights and other relevant existing international standards and national legislation,

Recalling all previous resolutions adopted by the General Assembly, the Commission on Human Rights and the Human Rights Council on the rights of persons belonging to national or ethnic, religious and linguistic minorities, including Assembly resolution 70/166 of 17 December 2015, Commission resolution 2005/79 of 21 April 2005, and Council resolutions 7/6 of 27 March 2008, 16/6 of 24 March 2011, 22/4 of 21 March 2013 and 25/5 of 27 March 2014, on the mandate of the Special Rapporteur on minority issues,

Recalling also the paragraphs in the Vienna Declaration and Programme of Action and the Durban Declaration and Programme of Action relating to the rights of persons belonging to national or ethnic, religious and linguistic minorities,

Welcoming the adoption of the 2030 Agenda for Sustainable Development,[1] of which the Addis Ababa Action Agenda of the Third International Conference on Financing for Development is an integral part, recalling that the Goals and targets contained in the 2030 Agenda are aimed at realizing the human rights of all, and stressing the need for Member States to integrate the 2030 Agenda into their respective national policies and

[1] General Assembly resolution 70/1.

development frameworks, as appropriate, to promote the effective implementation of, follow-up to and review of the 2030 Agenda, in order to ensure that no one is left behind,

Recalling the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules), the United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems, the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules) and the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules),

Emphasizing the need for reinforced efforts to meet the goal of the full realization of the rights of persons belonging to national or ethnic, religious and linguistic minorities, including by addressing their economic and social conditions and marginalization, and to end any type of discrimination against them,

Emphasizing also the importance of recognizing and addressing multiple, aggravated and intersecting forms of discrimination against persons belonging to national or ethnic, religious and linguistic minorities and the compounded negative impact on the enjoyment of their rights,

Emphasizing further the fundamental importance of human rights education, training and learning, and of dialogue, including intercultural and interfaith dialogue, and interaction among all relevant stakeholders and members of society on the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities as an integral part of the development of society as a whole, including the sharing of best practices, such as for the promotion of mutual understanding of minority issues, managing diversity by recognizing plural identities and promoting inclusive and stable societies, and social cohesion therein,

Noting that 2016 marks the fiftieth anniversary of the adoption of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, affirming that the above-mentioned anniversary offers an important opportunity to reflect upon and reinforce obligations and the commitment of States to promote and protect the rights of persons belonging to national or ethnic, religious and linguistic minorities, and noting the opportunity it represents to take stock of achievements, best practices and challenges with regard to the implementation of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, and reaffirming the principles and commitments therein,

1. *Takes note* of the report of the Special Rapporteur on minority issues submitted to the Human Rights Council at its thirty-first session,[2] the report on the recommendations of the Forum on Minority Issues at its eighth session[3] and the report of the Special Rapporteur on minority issues to the General Assembly at its seventieth session,[4] with its special focus on minorities and the criminal justice process;

2. *Notes* the completion, in November 2015, of the eighth session of the Forum on Minority Issues, addressing the rights of persons belonging to minorities in the criminal justice system, which, through the widespread participation of stakeholders, provided an important platform for promoting dialogue on this topic, and encourages States to take into consideration the relevant recommendations of the Forum;

[2] A/HRC/31/56.
[3] A/HRC/31/72.
[4] A/70/212.

3. *Takes note* of the report of the United Nations High Commissioner for Human Rights on the rights of persons belonging to national or ethnic, religious and linguistic minorities;[5]

4. *Commends* the Special Rapporteur on minority issues for the work undertaken in accordance with Human Rights Council resolution 25/5 and for the important role that she has played in raising the level of awareness of and in giving added visibility to the rights of persons belonging to national or ethnic, religious and linguistic minorities, and for her guiding role in the preparation and work of the Forum on Minority Issues, which contributes to efforts to improve cooperation among all United Nations mechanisms relating to the rights of persons belonging to minorities;

5. *Calls upon* States to undertake initiatives to ensure that persons belonging to national or ethnic, religious and linguistic minorities are aware of and able to exercise their rights as set out in the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities and in other international human rights obligations and commitments, and recommends that all measures taken with a view to implementing the Declaration be, to the fullest extent possible, developed, designed, implemented and reviewed with the full, effective and equal participation of persons belonging to national or ethnic, religious and linguistic minorities;

6. *Urges* States, while bearing in mind the theme of the eighth session of the Forum on Minority Issues, and with a view to enhancing the implementation of the Declaration and to ensuring the realization of the rights of persons belonging to national or ethnic, religious and linguistic minorities, including at all stages of the criminal justice process, to take appropriate measures by, inter alia:

(*a*) Reviewing any legislation, policy or practice that has a discriminatory or disproportionately negative effect on persons belonging to national or ethnic, religious and linguistic minorities, with a view to considering its amendment;

(*b*) Ensuring that all individuals within their jurisdiction enjoy their human rights throughout the criminal justice system in accordance with international human rights law, including the right to a fair trial, the right to legal assistance, the presumption of innocence and the prohibition of torture and other cruel, inhuman or degrading treatment or punishment;

(*c*) Promoting a composition of law enforcement bodies at the local, regional and national levels that reflects the diversity of the population, including by, as appropriate, fostering the recruitment, promotion and retention of persons belonging to national or ethnic, religious and linguistic minorities, male and female, by the police, the judiciary, prosecution services and prison personnel;

(*d*) Developing awareness-raising and training initiatives, including for public officials, judges, prosecutors and law enforcement officials, on the rights of persons belonging to minorities and impartial and non-discriminatory application of the law;

(*e*) Promoting access to mechanisms with the mandate and technical capacity to receive and consider complaints of discrimination, inter alia, against persons belonging to national or ethnic, religious and linguistic minorities in the criminal justice system;

(*f*) Removing obstacles that prevent persons belonging to national or ethnic, religious and linguistic minorities, including the most vulnerable within the community, such as women, children, persons with disabilities, older persons, those living in conditions

[5] A/HRC/31/27.

of extreme poverty and minorities affected by conflict and/or displacement, from reporting a violation of their rights or having access to formal justice;

(*g*) Taking adequate measures to address the overrepresentation of persons belonging to national or ethnic, religious and linguistic minorities in pretrial detention or prison;

(*h*) Working towards detention or imprisonment conditions that take into consideration the needs of prisoners belonging to national or ethnic, religious and linguistic minorities;

7. *Invites* national human rights institutions, civil society organizations and other relevant stakeholders to engage regularly with Governments to contribute to the eradication of discriminatory practices by law enforcement agencies and/or the judiciary;

8. *Invites* international and regional organizations to continue to give attention to the situations and rights of persons belonging to national or ethnic, religious and linguistic minorities, and in this regard to take into consideration relevant recommendations of the Forum on minority issues;

9. *Welcomes* the inter-agency cooperation among United Nations agencies, funds and programmes on minority issues, led by the Office of the United Nations High Commissioner for Human Rights, and urges them to increase further their coordination and cooperation by, inter alia, developing policies on the promotion and protection of the rights of persons belonging to minorities, drawing also on relevant outcomes of the Forum and taking into account the work of relevant regional organizations;

10. *Takes note in particular*, in this regard, of the initiatives and activities of the United Nations network on racial discrimination and protection of minorities, coordinated by the Office of the High Commissioner and aimed at enhancing dialogue and cooperation between relevant United Nations agencies, funds and programmes, and invites the network to continue to cooperate with the Special Rapporteur on minority issues and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and to consult and engage with persons belonging to national or ethnic, religious and linguistic minorities and civil society actors;

11. *Requests* the High Commissioner to continue to present an annual report to the Human Rights Council containing information on relevant developments of United Nations human rights bodies and mechanisms, and on the activities undertaken by the Office of the High Commissioner at headquarters and in the field that contribute to the promotion of and respect for the provisions of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities;

12. *Requests* the Secretary-General and the High Commissioner to continue to provide all the human, technical and financial assistance necessary for the effective fulfilment of the mandate of the Special Rapporteur on minority issues and for the activities of the Office of the High Commissioner in the area of rights of persons belonging to national or ethnic, religious and linguistic minorities;

13. *Decides* to continue its consideration of this issue in accordance with its programme of work.

63rd meeting
23 March 2016

[Adopted without a vote.]

United Nations A/HRC/RES/31/14

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31/14. The role of good governance in the promotion and protection of human rights

The Human Rights Council,

Guided by the Universal Declaration of Human Rights as a common standard of achievement of all peoples and all nations, and also the Vienna Declaration and Programme of Action, which affirmed that all human rights are universal, indivisible, interdependent and interrelated,

Recalling Human Rights Council resolutions 7/11 of 27 March 2008, 19/20 of 23 March 2012, and 25/8 of 27 March 2014, and all other resolutions relevant to the role of good governance in the promotion of human rights, and the United Nations Millennium Declaration,

Welcoming the resolve of States parties to the United Nations Convention against Corruption, and the commitment made by all States in the 2005 World Summit Outcome to make the fight against corruption a priority at all levels, and noting with interest the provisions of the Convention that have led to the development of a mechanism among States parties to review their progress in combating corruption,

Noting the ongoing work by several important initiatives towards the deepening of good governance practices at the national, regional and international levels,

Recognizing the importance of a conducive environment, at both the national and international levels, for the full enjoyment of human rights and fundamental freedoms and of the mutually reinforcing relationship between good governance and human rights,

Recognizing also that transparent, responsible, accountable, open and participatory government, responsive to the needs and aspirations of the people, is the foundation on which good governance rests, and that such a foundation is one of the indispensable conditions for the full realization of human rights, including the right to development,

Stressing that good governance at the national and international levels is essential for sustained economic growth, sustainable development and the eradication of poverty and

hunger, and in this context reaffirming the Millennium Declaration, the 2005 World Summit Outcome, the outcome of the 2010 High-level Summit on the Millennium Development Goals and the 2030 Agenda for Sustainable Development,[1]

Recognizing the increasing awareness in the international community of the detrimental impact of widespread corruption on human rights through both the weakening of institutions and the erosion of public trust in government, and through the impairment of the ability of Governments to fulfil all their human rights obligations,

Acknowledging that good governance has a central role in the promotion and protection of human rights, and in preventing and combating corruption at all levels,

Realizing that the fight against corruption at all levels plays an important role in the promotion and protection of human rights and in the process of creating an environment conducive to their full enjoyment,

Recognizing that effective anti-corruption measures and the protection of human rights, including by strengthening transparency and accountability in government, are mutually reinforcing,

Noting with interest the outcomes of the third, fourth, fifth and sixth sessions of the Conference of the States Parties to the United Nations Convention against Corruption, held in Doha in 2009, in Marrakech, Morocco in 2011, in Panama City in 2013, and in Saint Petersburg, Russian Federation in 2015,

Stressing the importance of policy coherence and coordination in intergovernmental processes in the area of the promotion and protection of human rights, on the one hand, and of anti-corruption initiatives, on the other,

Stressing also the importance of developing and implementing national legislation on the promotion of access to information and of strengthening the administration of justice, transparency, accountability and good governance at all levels,

Reaffirming the right of every citizen to have access, in general terms of equality, to public service in his or her country as enshrined in article 21 of the Universal Declaration of Human Rights and article 25 (c) of the International Covenant on Civil and Political Rights,

Recognizing that a professional, accountable and transparent public service upholding the highest standards of efficiency, competence and integrity is one of the essential components of good governance,

Recognizing also that the knowledge, training and awareness of public servants, and the promotion of a human rights culture within the public service, play a vital role in promoting respect for and the realization of human rights in society,

Welcoming the contribution of the United Nations Public Service Awards programme, which recognizes excellence in public service to the promotion of the role, professionalism and visibility of public service, and noting its review to align it with the 2030 Agenda for Sustainable Development,

Welcoming also the 2030 Agenda for Sustainable Development, including its recognition of the need to build peaceful, just and inclusive societies that provide equal access to justice and that are based on respect for human rights, including the right to development, on effective rule of law and good governance at all levels, and on transparent, effective and accountable institutions,

[1] General Assembly resolution 70/1.

Taking into account the ongoing work of the United Nations system and other relevant international and regional organizations relating to the role of good governance in the promotion and protection of human rights,

1. *Welcomes* the holding by the Human Rights Council, at its thirtieth session, of a panel discussion on a human rights-based approach to good governance in the public service;

2. *Also welcomes* the summary report of the United Nations High Commissioner for Human Rights on the panel discussion ;[2]

3. *Further welcomes* the growing trend towards the universal ratification of the United Nations Convention against Corruption, and encourages States that have not yet ratified this important international instrument to consider doing so;

4. *Welcomes* the commitments made by all States in the 2030 Agenda for Sustainable Development with regard to good governance in the promotion and protection of human rights, including in Sustainable Development Goal 16;

5. *Underlines* that the primary responsibility lies with States at the national level, including through their constitutional provisions and other enabling legislation, consistent with their international obligations, to ensure that professional public services uphold the highest standards of efficiency, competence and integrity, and are predicated on good governance principles, including impartiality, rule of law, transparency, accountability and combating corruption, and stresses the importance of human rights training and education in this regard;

6. *Invites* the Secretary-General to ensure the upholding of the integrity of the United Nations system in its service of humanity, and improved coordination between United Nations agencies, programmes and funds, with a view to ensuring that the United Nations system continues to improve the quality of its work at all levels, including in support of objectives and priorities at the national level;

7. *Encourages* the relevant mechanisms of the Human Rights Council to continue to consider, within their respective mandates, the issue of the role of good governance in the promotion and protection of human rights;

8. *Requests* the High Commissioner to prepare a compilation of the activities and programmes of the United Nations system that contribute to the role of good governance in the promotion and protection of human rights, including its efforts to support States in the implementation of the 2030 Agenda for Sustainable Development in this context, and to submit it to the Human Rights Council at its thirty-fourth session;

9. *Decides* to remain seized of the matter.

63rd meeting
23 March 2016

[Adopted without a vote.]

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[2] A/HRC/31/28.

United Nations A/HRC/RES/31/15

General Assembly

Distr.: General
19 April 2016

Original: English

Human Rights Council
Thirty-first session
Agenda item 3

Resolution adopted by the Human Rights Council on 23 March 2016

31/15. The right to work

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights and the Vienna Declaration and Programme of Action, and recalling the International Covenant on Economic, Social and Cultural Rights and other international human rights instruments relevant to the right to work,

Reaffirming also Human Rights Council resolution 28/15 of 26 March 2015 on the right to work,

Recalling General Assembly resolution 63/149 of 19 December 2008 entitled "International Labour Organization Declaration on Social Justice for a Fair Globalization" and Economic and Social Council resolutions 2007/2 of 17 July 2007 entitled "The role of the United Nations system in providing full and productive employment and decent work for all" and 2008/18 of 24 July 2008 entitled "Promoting full employment and decent work for all",

Recalling also the International Labour Organization Declaration on Fundamental Principles and Rights at Work and its follow-up, adopted by the International Labour Conference at its eighty-sixth session, on 18 June 1998, the Declaration on Social Justice for a Fair Globalization, adopted by the Conference at its ninety-seventh session, on 10 June 2008, the Global Jobs Pact, adopted by the Conference at its ninety-eighth session, on 19 June 2009, the resolution of the International Labour Organization on the follow-up to its Declaration on Fundamental Principles and Rights at Work, adopted by the Conference at its ninety-ninth session, on 15 June 2010, and the resolution concerning gender equality at the heart of decent work adopted by the General Conference of the International Labour Organization at its ninety-eighth session, on 17 June 2009,

Recognizing the primary role, mandate, expertise and specialization of the International Labour Organization within the United Nations system in relation to the promotion of decent work and full and productive employment for all, welcoming its initiatives and activities in this regard, including the Decent Work Agenda, and noting the

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recently launched centenary initiatives of the International Labour Organization on the future of work and on women at work,

Reaffirming that all human rights and civil, political, economic, social and cultural rights, including the right to development, are universal, indivisible, interrelated, interdependent and mutually reinforcing, and that all human rights must be treated in a fair and equal manner, on the same footing and with the same emphasis,

Emphasizing that States should undertake to guarantee that the right to work is to be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Emphasizing also that the right to work is not only essential for realizing other human rights but also an inseparable and inherent part of human dignity and is important to ensure the satisfaction of human needs and values that are central to a dignified life,

Recognizing that full and productive employment and decent work for all are key elements of poverty-reduction strategies that facilitate the achievement of the internationally agreed development goals, in particular the 2030 Agenda for Sustainable Development,[1] and that they require a multidimensional focus that incorporates Governments, the private sector, civil society organizations, representatives of employers and workers, international organizations and, in particular, the agencies of the United Nations system and the international financial institutions,

1. *Takes note with appreciation* of the report of the United Nations High Commissioner for Human Rights on the realization of the right to work;[2]

2. *Reaffirms*, as enshrined in the International Covenant on Economic, Social and Cultural Rights, the right to work, which includes the right of everyone to the opportunity to gain his or her living by work which he or she freely chooses or accepts, and that States should take steps to achieve the full realization of that right, including technical and vocational guidance and training programmes, policies and techniques, to achieve steady economic, social and cultural development and full and productive employment under conditions safeguarding the fundamental political and economic freedoms of the individual;

3. *Also reaffirms*, as enshrined in the International Covenant on Economic, Social and Cultural Rights, the right of everyone to the enjoyment of just and favourable conditions of work which ensure, in particular, remuneration which provides all workers, as a minimum, with fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work; a decent living for themselves and their families; safe and healthy working conditions; equal opportunity for everyone to be promoted in his or her employment to an appropriate higher level, subject to no considerations other than those of seniority and competence; and rest, leisure and reasonable limitation of working hours and periodic holidays with pay, and remuneration for public holidays;

4. *Further reaffirms* that States have the primary responsibility to ensure the full realization of all human rights and to endeavour to take steps, individually and through international assistance and cooperation, especially economic and technical, to the maximum of their available resources, with a view to progressively achieving the full realization of the right to work, including in particular the adoption of legislative measures;

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[1] General Assembly resolution 70/1.

[2] A/HRC/31/32.

5. *Recognizes* that ensuring equality and non-discrimination in access to work is crucial in addressing the social prejudices and disadvantages that might exist in the labour market and undermine equality and dignity;

6. *Stresses* that the freedom to work, which is included in the right to work, entails the right to pursue professional options under equal conditions without unjustified barriers;

7. *Also stresses* that States, as provided for by the relevant international legal instruments, should prohibit forced and compulsory labour and punish the use of it in all its forms;

8. *Emphasizes* that the right to work entails, inter alia, the right not to be deprived of work arbitrarily and unfairly, and that States, in accordance with the relevant obligations in relation to the right to work, are required to put in place measures ensuring the protection of workers against unlawful dismissal;

9. *Underscores* the equal right of men and women to the enjoyment of all human rights, including the right to work, and that equal access to work is pivotal to the full enjoyment of all human rights by women, while recognizing that women are on many occasions subject to discrimination in the context of realizing their rights in that regard on an equal basis with men and are disproportionately exposed to the most precarious working conditions, including limited or no legal protection, lower levels of remuneration and involuntary temporary and part-time employment, and are disproportionately burdened with unpaid care work, which may constitute on many occasions a barrier to women's greater involvement in the labour market;

10. *Stresses* that States should take all appropriate measures to eliminate discrimination against women in the field of employment and to tackle any structural barrier to employment opportunities, such as in education, health, work and life balance and lack of maternity protection, in order to ensure, on a basis of equality of men and women, the same rights, including in particular the rights to work, the same employment opportunities, promotion, free choice of profession and employment, job security and all benefits and conditions of service, and the rights to receive vocational training and retraining, equal remuneration, equal treatment in respect to work of equal value, social security and protection of health and safety in working conditions;

11. *Recognizes* that progress has been made, yet is deeply concerned that many persons with disabilities in all regions continue to face significant obstacles in exercising their right to work on an equal basis with others and that persons with disabilities are frequently subject to less favourable conditions of pay, precarious work regimes and poor career prospects in a context of environmental, social and economic barriers in their access to work and within work, and in education and training, which results on many occasions in neglect of their potential and restrictions on opportunities to earn a living through their capabilities, and in this regard encourages States to take all appropriate measures to prohibit discrimination against persons with disabilities in all matters concerning access to employment and job opportunities, including in relation to equal conditions of pay, hiring and career advancement;

12. *Underscores* the responsibility of the State to protect children from economic exploitation and from performing any work that is likely to be hazardous or to interfere with their education or to be harmful to their health or physical, mental, spiritual, moral or social development;

13. *Expresses concern* that global unemployment stood at 197 million in 2015, representing an increase of nearly 1 million compared with the previous year and of about 27 million compared with 2007, and about the severe impact that the international

economic and financial crisis has had in that regard, and notes with concern that the global level of women's participation in the labour force is 27 per cent lower than that of men;

14. *Expresses deep concern* that, in 2015, approximately 71.3 million young people were unemployed and that the global youth unemployment rate was around 13.1 per cent, while the global employment rate for young women was 15 percentage points lower than that for young men, resolves in that regard to pay particular attention to the realization of the right to work for young people, bearing in mind the fundamental importance of equal opportunities, education and vocational training in the context of realizing that right, and emphasizes that full and productive employment for young people plays an important role in their empowerment and can contribute to, inter alia, the prevention of extremism, terrorism and social, economic and political instability;

15. *Stresses* that technical and vocational education and guidance are necessary measures for the realization of the right to work for all;

16. *Welcomes* the adoption by the General Assembly of the 2030 Agenda for Sustainable Development, including, inter alia, its Goal 8, on promoting sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all, and its targets;

17. *Recognizes* the fundamental importance of international cooperation, including through technical cooperation, capacity-building, exchange of relevant lessons learned and good practices, in advancing efforts towards the full realization of the right to work through full and productive employment and decent work for all;

18. *Calls upon* States to put in place comprehensive policies and to take the legislative and administrative measures necessary for the full realization of the right to work, including by considering to undertake policy commitments and measures to obtain full and productive employment and decent work for all, including through the establishment, where appropriate, of institutions for that purpose and by further strengthening tools such as job services and social dialogue mechanisms, while paying continuous attention to professional and technical training and initiatives to foster small and medium-sized enterprises and cooperatives;

19. *Recognizes* that employment should be a central objective of economic and social policies at the national, regional and international levels for the sustainable eradication of poverty and for providing an adequate standard of living, and emphasizes in that regard the importance of relevant social protection measures, including social protection floors;

20. *Highlights* the vital role of the private sector in generating new investments, job opportunities and financing for development and in advancing efforts towards the full realization of the right to work and the promotion of full and productive employment and decent work for all;

21 *Recognizes* the important contribution of workers' and employers' organizations in the area of full and productive employment and decent work for all;

22. *Underscores* that there is an urgent need to create an environment at the national and international levels that is conducive to the attainment of full and productive employment and decent work for all as a foundation for sustainable development, and that an environment that supports investment, growth and entrepreneurship is essential to the creation of new job opportunities, and reaffirms that opportunities for men and women to obtain productive work in conditions of freedom, equity, security and human dignity are essential to ensure the eradication of hunger and poverty, the improvement of economic and social well-being for all, the achievement of sustained, inclusive and sustainable economic

growth and sustainable development of all nations and a fully inclusive and equitable globalization;

23. *Acknowledges* the work of the treaty bodies, in particular the Committee on Economic, Social and Cultural Rights, in relation to the right to work;

24. *Also acknowledges* the work of United Nations agencies, programmes and funds, in particular the International Labour Organization, in supporting the efforts of States to promote full and productive employment and decent work for all and the full realization of the right to work;

25. *Requests* the United Nations High Commissioner for Human Rights to prepare an analytical report, in consultation with States, United Nations agencies, funds and programmes, particularly the International Labour Organization, and the treaty bodies, special procedures, civil society and other relevant stakeholders, on the relationship between the realization of the right to work and the enjoyment of all human rights by women, with a particular emphasis on the empowerment of women, in accordance with States' respective obligations under international human rights law and the relevant major challenges and best practices in that regard, and to submit the report to the Human Rights Council prior to its thirty-fourth session;

26. *Decides* to remain seized of the matter.

63rd meeting
23 March 2016

[Adopted without a vote.]

United Nations A/HRC/RES/31/16

General Assembly

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8 April 2016

Original: English

Human Rights Council
Thirty-first session
Agenda item 3

Resolution adopted by the Human Rights Council on 23 March 2016

31/16. Freedom of religion or belief

The Human Rights Council,

Recalling General Assembly resolution 36/55 of 25 November 1981, in which the Assembly proclaimed the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,

Recalling also article 18 of the International Covenant on Civil and Political Rights, article 18 of the Universal Declaration of Human Rights and other relevant human rights provisions,

Recalling further Human Rights Council resolution 28/18 of 27 March 2015, and other resolutions adopted by the Council, the General Assembly and the Commission on Human Rights on the freedom of religion or belief or the elimination of all forms of intolerance and of discrimination based on religion or belief,

Recalling Human Rights Council resolutions 5/1 and 5/2 of 18 June 2007,

Noting with appreciation the conclusions and recommendations of the expert workshops organized by the Office of the United Nations High Commissioner for Human Rights and contained in the Rabat Plan of Action on the prohibition of advocacy of national, racial and religious hatred that constitutes incitement to discrimination, hostility or violence, adopted in Rabat on 5 October 2012,

Reaffirming that all human rights are universal, indivisible, interdependent and interrelated,

Recalling that States have the primary responsibility to promote and protect human rights, including the human rights of persons belonging to religious minorities, including their right to exercise their religion or belief freely,

Deeply concerned at continuing acts of intolerance and violence based on religion or belief against individuals, including persons belonging to religious communities and religious minorities around the world,

Underlining the importance of education in the promotion of tolerance, which involves the acceptance by the public of and its respect for diversity, including with regard to religious expression, and underlining also the fact that education, in particular at school,

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should contribute in a meaningful way to promoting tolerance and the elimination of discrimination based on religion or belief,

1. *Stresses* that everyone has the right to freedom of thought, conscience and religion or belief, which includes the freedom to have or not to have, or to adopt, a religion or belief of one's choice and the freedom, either alone or in community with others and in public or private, and to manifest one's religion or belief in teaching, practice, worship and observance, including the right to change one's religion or belief;

2. *Emphasizes* that freedom of religion or belief and freedom of expression are interdependent, interrelated and mutually reinforcing, and stresses also the role that these rights can play in the fight against all forms of intolerance and discrimination based on religion or belief;

3. *Expresses deep concern* at emerging obstacles to the enjoyment of the right to freedom of religion or belief, as well as instances of religious intolerance, discrimination and violence, inter alia:

(*a*) The increasing number of acts of violence directed against individuals, including persons belonging to religious minorities in various parts of the world;

(*b*) The rise of religious extremism in various parts of the world that affects the rights of individuals, including persons belonging to religious minorities;

(*c*) Incidents of religious hatred, discrimination, intolerance and violence, which may be manifested by derogatory stereotyping, negative profiling and the stigmatization of individuals on the basis of their religion or belief;

(*d*) Instances that, both in law and in practice, constitute violations of the fundamental right to freedom of religion or belief, including of the individual right to publicly express one's spiritual and religious beliefs, taking into account the relevant articles of the International Covenant on Civil and Political Rights and other international instruments;

(*e*) Constitutional and legislative systems that fail to provide adequate and effective guarantees of freedom of thought, conscience, religion and belief to all, without distinction;

(*f*) Attacks on religious places, sites and shrines and vandalism of cemeteries, in violation of international law, in particular international human rights law and international humanitarian law;

4. *Condemns* all forms of violence, intolerance and discrimination based on or in the name of religion or belief, and violations of the freedom of thought, conscience, religion or belief, and any advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence, whether it involves the use of print, audiovisual or electronic media or any other means;

5. *Also condemns* violence and acts of terrorism, which are increasing in number and targeting individuals, including persons belonging to religious minorities across the world;

6. *Emphasizes* that no religion should be equated with terrorism, as this may have adverse consequences for the enjoyment of the right to freedom of religion or belief of all members of the religious community concerned;

7. *Also emphasizes* that States should exercise due diligence to prevent, investigate and punish acts of violence against persons belonging to religious minorities, regardless of the perpetrator, and that failure to do so may constitute a human rights violation;

8. *Strongly encourages* government representatives and leaders in all sectors of society and respective communities to speak out against acts of intolerance and violence based on religion or belief;

9. *Urges* States to step up their efforts to promote and protect freedom of thought, conscience and religion or belief, and to this end:

(*a*) To ensure that their constitutional and legislative systems provide adequate and effective guarantees of freedom of thought, conscience and religion or belief to all, without distinction, by, inter alia, the provision of access to justice and effective remedies in cases where the right to freedom of thought, conscience and religion or belief, or the right to practise freely one's religion, including the right to change one's religion or belief, is violated;

(*b*) To implement all accepted universal periodic review recommendations relating to the promotion and protection of freedom of religion or belief;

(*c*) To ensure that no one within their jurisdiction is deprived of the right to life, liberty or security of person because of religion or belief, and that no one is subjected to torture or other cruel, inhuman or degrading treatment or punishment, or arbitrary arrest or detention on that account, and to bring to justice all perpetrators of violations of these rights;

(*d*) To end violations of the human rights of women, and to devote particular attention to abolishing practices and legislation that discriminate against women, including in the exercise of their right to freedom of thought, conscience and religion or belief;

(*e*) To ensure that no one is discriminated against on the basis of his or her religion or belief in their access to, inter alia, education, medical care, employment, humanitarian assistance or social benefits, and to ensure that everyone has the right and the opportunity to have access, on general terms of equality, to public services in their country, without any discrimination on the basis of religion or belief;

(*f*) To review, whenever relevant, existing registration practices in order to ensure that such practices do not limit the right of all individuals to manifest their religion or belief, either alone or in community with others and in public or private;

(*g*) To ensure that no official documents are withheld from the individual on the grounds of religion or belief, and that everyone has the right to refrain from disclosing information concerning their religious affiliation in such documents against their will;

(*h*) To ensure, in particular, the right of all individuals to worship, assemble or teach in connection with a religion or belief and their right to establish and maintain places for these purposes, and the right of all individuals to seek, receive and impart information and ideas in these areas;

(*i*) To ensure that, in accordance with appropriate national legislation and in conformity with international human rights law, the freedom of all individuals, including persons belonging to religious minorities, to establish and maintain religious, charitable or humanitarian institutions is fully respected and protected;

(*j*) To ensure that all public officials and civil servants, including members of law enforcement bodies, and personnel of detention facilities, the military and educators, in the course of fulfilling their official duties, respect freedom of religion or belief and do not discriminate for reasons based on religion or belief, and that all necessary and appropriate awareness-raising, education or training is provided;

(*k*) To take all necessary and appropriate action, in conformity with international human rights obligations, to combat hatred, discrimination, intolerance and acts of violence,

intimidation and coercion motivated by intolerance based on religion or belief, and any advocacy of religious hatred that constitutes incitement to discrimination, hostility and violence, with particular regard to persons belonging to religious minorities in all parts of the world;

(*l*) To promote, through the educational system and other means, mutual understanding, tolerance, non-discrimination and respect in all matters relating to freedom of religion or belief by encouraging, in society at large, a wider knowledge of different religions and beliefs and of the history, traditions, languages and cultures of the various religious minorities existing within their jurisdiction;

(*m*) To prevent any distinction, exclusion, restriction or preference based on religion or belief that impairs the recognition, enjoyment or exercise of human rights and fundamental freedoms on an equal basis, and to detect signs of intolerance that may lead to discrimination based on religion or belief;

10. *Stresses* the importance of a continued and strengthened dialogue in all its forms, including among individuals of, and within, different religions and beliefs, and with broader participation, including of women, to promote greater tolerance, respect and mutual understanding, and takes note with appreciation of different initiatives in this regard, including the Alliance of Civilizations and the programmes led by the United Nations Educational, Scientific and Cultural Organization;

11. *Welcomes and encourages* the continuing efforts of all actors in society, including civil society organizations, religious communities, national human rights institutions, the media and other actors to promote the implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, and also encourages their work in promoting freedom of religion or belief and in highlighting cases of religious intolerance, discrimination and persecution;

12. *Calls upon* States to make use of the potential of education for the eradication of prejudices against and stereotypes of individuals on the basis of their religion or belief;

13. *Takes note* of the thematic report presented by the Special Rapporteur on the relationship between the right to freedom of religion or belief and the right to freedom of opinion and expression,[1] and the recommendations therein;

14. *Also takes note* of the work of the Special Rapporteur, and concludes that there is a need for the continued contribution of the Special Rapporteur to the promotion, protection and universal implementation of the right to freedom of religion or belief;

15. *Decides* to extend the mandate of the Special Rapporteur for a further period of three years, and invites the Special Rapporteur to discharge the mandate in accordance with paragraph 18 of Human Rights Council resolution 6/37;

16. *Urges* all Governments to cooperate fully with the Special Rapporteur and to respond favourably to his or her requests to visit their countries, and to provide him or her with all necessary information to enable him or her to fulfil the mandate even more effectively;

17. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide the Special Rapporteur with all the human, technical and financial assistance necessary for the effective fulfilment of the mandate;

[1] A/HRC/31/18.

18. *Requests* the Special Rapporteur to report annually to the Human Rights Council and to the General Assembly in accordance with their respective programmes of work;

19. *Decides* to remain seized of this question under the same agenda item and to continue its consideration of measures to implement the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief.

63rd meeting
23 March 2016

[Adopted without a vote.]